DOCUMENT RESUME

ED 158 190 CG 012 768

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TITLE Police Discretion: A Selected Bibliography.
INSTITUTION Aspen Systems Corp., Germantown, Md.
SPONS AGENCY National Inst. of Law Enforcement and Criminal Justice (Dept. of Justice/LEAA), Washington, D.C.
PUB DATE Feb 78
CONTRACT J-LEAA-023-77
NOTE 90p.

EDRS PRICE MF-$0.83 HC-$4.67 Plus Postage.
DESCRIPTORS Abstracts; *Administrative Policy; Annotated Bibliographies; Decision Making; *Law Enforcement; Legislation; Police; *Police Action; Police Community Relationship
IDENTIFIERS *Police Discretion

ABSTRACT

This bibliography was compiled with two goals. The first goal is to provide police administrators and officers with an overview of the issues involved in developing guidelines for police discretion and a discussion of the options available. The second goal is to demonstrate the need for continuing dialogue and interaction between lawmakers, law enforcers and the community. The books, documents and journal articles in this bibliography are selected from the data base of the National Criminal Justice Reference Service. The entries are organized into three categories: (1) overview--general information on the nature of police discretion, discussion of the need for structuring police discretion, and selected programs that provide police with formal structuring for discretionary activities; (2) sanctions--restraints on discretionary actions, such as constitutional issues and legal sanctions as well as internal policies and procedures; (3) operational discretion--the exercise of discretionary initiatives and the options available to the individual police officer. (Author/RF)

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CG 012768

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POLICE DISCRETION

A Selected Bibliography

by

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National Criminal Justice Reference Service

February 1978

National Institute of Law Enforcement and Criminal Justice
Law Enforcement Assistance Administration
United States Department of Justice

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Prepared for the National Institute of Law Enforcement and Criminal Justice, Law Enforcement Assistance Administration, U.S. Department of Justice by Aspen Systems Corp., under contract number J-LEAA-023-77. Points of view or opinions stated in this document are those of the authors and do not necessarily represent the official position or policies of the U.S. Department of Justice.

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INTRODUCTION

The concept of police discretion and the issues surrounding this law enforcement decisionmaking process have been the subject of continuing debate and concern. The controversy has involved legislative bodies and the community as well as the components of the criminal justice system. At the most basic level of law enforcement, each police officer must exercise discretion in his day-to-day activities -- and in doing so must reconcile his oath of office and the statutory requirements of full enforcement with the realization that full enforcement is not attainable.

Foremost among the reasons why full enforcement is not attainable is the availability of limited resources for law enforcement. Other contributing factors include the enactment of laws by legislative bodies not fully cognizant of their enforceability by police, the judicial interpretation of the formality of the law rather than the reality of the law, and the community's perception of order maintenance and law enforcement.

Without the benefit of guidelines to structure discretion, the police officer actually formulates policy as he reacts to individual incidents based on his perception of the realities, his experience with the realities, and his individual moral code. This individualized interpretation has historically placed law enforcement in the defensive position of having to react to complaints of discriminatory law enforcement that have resulted in an undermining of public attitudes toward the police as well as influencing judicial rulings regarding police actions.

In 1973, recognizing the need for policy guidelines, the National Advisory Commission on Criminal Justice Goals and Standards recommended that every police agency establish guidelines for police discretion. That same year the American Bar Association and the International Association of Chiefs of Police approved Standards Relating to the Urban Police Function that also recommended the development of guidelines for police discretion. The published standards of both groups identify potential benefits that would derive from established policies, such as the resultant uniform enforcement policy, improved productivity, and a better understanding by courts, legislative bodies, and the community of the nature of police operations. These published standards are presented in the Appendix to this bibliography.

This bibliography was compiled with two goals: First, to provide the police administrator and the police officer with an overview of the issues involved in the development of guidelines for police discretion and a discussion of the options available; and second, to demonstrate the need for continuing dialog and interaction between those groups most concerned with the subject -- lawmakers, law enforcers, and the community.

The books, documents, and journal articles in this bibliography were selected from the data base of the National Criminal Justice Reference Service with a view toward presenting a cross section of the available literature. The entries are organized into three main categories:

- Overview -- General information on the nature of police discretion, discussion of the need for structuring police discretion, and selected programs that provide police with formal structuring for discretionary activities.

- Sanctions -- Restraints on discretionary actions, both external and internal

  A. Constitutional issues and legal sanctions
  B. Policies and procedures

- Operational Discretion -- The exercise of discretionary initiatives and the options available to the individual police officer.

Within each section the entries are alphabetized by author's surname. Information about how to obtain the documents cited may be found on the following page.

HOW TO OBTAIN THESE DOCUMENTS

All of the documents in this bibliography are included in the collection of the National Criminal Justice Reference Service. The NCJRS Reading Room (Suite 400, 1015 20th Street, N.W., Washington, D.C.) is open to the public from 9:00 a.m. to 5:00 p.m. All of the documents cited are also available in at least one of the following three ways:

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OVERVIEW

1. ADAMS, T. F. Criminal Justice -- Readings. Pacific Palisades, California, Goodyear Publishing Company, 1972. 378 p. (NCJ 01772)

This book presents aspects of the entire enforcement system with emphasis on police. The readings are grouped in seven subject area sections -- police role, police selection and retention, professionalization, academic progress in law enforcement, police discretion, critical issues in criminal justice, and community relations. The requirement for improvement of personnel capabilities and the means to that end are central in most of the papers. Many of the papers provide charted data and references.

2. BANKS, T. Discretionary Justice and the Black Offender. In Owen, C. E., Ed., Blacks and Criminal Justice. Lexington, Massachusetts, D.C. Heath and Company, 1977. (NCJ 43094)

This report discusses the mechanics through which discretionary powers are examined. Light is shed on the partial treatment of the minority offender. The minority offender has been at a distinct disadvantage under the existence of discretionary decisionmaking laws. The attitudes, value system, characteristics of the person with the authority to exercise discretion, and the lack of guidelines or rules for reviewing decisions have contributed to this disparity. Discretionary powers in the administration of justice have been found to be particularly oppressive to blacks. Four areas in which discretionary power is often abused are highlighted: police, prosecution, the American jury system, and judicial sentencing. Police procedures in black communities have been found to differ from those in white communities. Objectives in law enforcement in most communities are often those of the dominant white culture, and there is a need to increase police sensitivity to the interests and needs of minorities. Ideally, the individual patrolman should be governed strictly by administrative rules, with the discretionary power reserved for top level police personnel. The prosecutor's decision on whether or not to prosecute individuals is based on his own judgment and is thus often influenced by subjective criteria: the offender's economic background, speech, and manner; the nature of the crime; and public sentiment, among others. The German criminal justice system, where the prosecutor possesses no discretionary powers, serves as a guide for assuring equal treatment. Since a large number of jurisdictions choose prospective jurors from voter registration rolls, where blacks, other minorities, and the poor are not registered in as great a number as whites or middle- and upper-income groups, minority and poor offenders are often grossly underrepresented on juries in the United States. These juries often harbor hostile feelings toward the minority offender, whose background they do not understand. A suggested solution lies in restructuring the jury system so that minority communities and black populations in the South are proportionately represented. Since there are no set guidelines to arrive at standards for sentencing, it depends largely

on the judge's own beliefs and biases. Model codes are cited which provide for presentencing investigations and which limit judicial discretion. The only hope for controlled discretion lies in administrative rules set by the police departments, prosecutors' offices, and courts, since legislative intervention seems unlikely. These reforms remain, nonetheless, "band-aid" solutions. A bibliography is included.

3. BERKOWITZ, J. Santa Clara County -- Pre-Delinquent Diversion Project -- Quarterly Reports for July 1, 1972 -- October 1, 1972; October 1, 1972 - December 31, 1972; and January 1, 1973 - March 31, 1973. San Jose, California, Santa Clara County Juvenile Probation Department, 1973. 183 p. MICROFICHE (NCJ 14261)

These reports concern a project designed to assist 12 county law enforcement jurisdictions to expand and improve services to juveniles in place of referral to the Juvenile Probation Department. The reports include overviews of the 12 law enforcement programs submitted by the project consultants. Project elements included training of police officers in a knowledge of community agencies that serve juveniles, referral procedures, and short-term counseling of youth and their families. The project report further includes a research procedure for monitoring the implementation and effects of the program. Statistics considered relevant to measuring the effects of the diversion project are included in the appendixes.

4. BOTTOMLEY, A. K. Decisions in the Penal Process. South Hackensack, New Jersey, Fred B. Rothman, 1973. 269 p. (NCJ 13196)

This book examines the use of discretion in various stages of the criminal justice systems in England and the United States. The penal process in any country can best be understood not only by looking at its formal structure and legal basis, but by closely examining the various pressures and constraints which influence the actual operation of the process. In an attempt to provide a framework for understanding the penal process, this book focuses attention on the decisions which are taken at different stages of the process. Considerable attention is given to the relationship between criminal statistics and social attitudes, with comments on the impact that discretion in reporting and recording crimes has on the meaning and validity of statistics. Police decisionmaking in law enforcement is discussed, focusing on the need for police discretion in making arrests and the extent and variations in the type of dispositions made by police at this stage of the penal process. Highlights are given of the decisionmaking process in the court and correctional systems, beginning with the granting of bail, through sentencing an offender to prison or probation, to determining the date of a man's release from prison on parole. The fundamental themes of this work, which incorporate data from the American and English criminal justice

systems, include the nature and extent of the exercise of discretion in criminal justice, the ambiguity of penal objectives, and the availability of information which influences decisionmaking.

5. CAIN, M. E. Society and the Policeman's Role. London England, Routledge and Kegan Paul Ltd., 1973. 324 p. (NCJ 11009)

This book is a sociological study of police organization and behavior in England, explaining police behavior in terms of role pressures and definitions. The study is based on research of extant literature, questionnaire interviews with policemen and their wives, and participant observation of both urban and rural forces. The organization and functions of sample forces are outlined, and a description of the beat policeman's job in rural and city police work is presented. His interdependent relationships with the community, his wife and family, senior officers, and colleagues are analyzed. Two chief generalizations may be made. Strong ties of mutual dependence (both vertically and horizontally) and evidence of insular attitudes showed the city police to be largely autonomous in their role definition. The converse was found to be true of the rural police, who were much more dependent upon the community, socially as well as professionally. The second generalization deals with the nature of the police role. The urban role, mainly defined from within the force, was one of "thief-taking," that is, criminal apprehension. The rural rule, defined chiefly by the public, was one of "peace-keeping." The implications of these findings in future police organization and management are discussed by the author, who sees a trend toward a more autonomous, more centrally controlled police rule. Eight pages of references are included.

6. CARTER, ROBERT M. and MALCOLM W. KLEIN. Back on the Street -- The Diversion of Juvenile Offenders. Englewood Cliffs, New Jersey, Prentice-Hall, 1976. 383 p. (NCJ 31781)

This collection of 26 articles deals with such issues as diversion definitions and methods, labeling of juveniles, police discretion, diversionary programs, and evaluation of the effects of diversion. The selections presented in this text range from government reports to sociological studies. A background on juvenile diversion is provided in the first section, which includes selections from the Report of the President's Commission on Law Enforcement and the Administration of Justice and the Task Force Report on Juvenile Delinquency. Among the issues considered in the second section are the organizational building up of stigmatizing labels and perceptions of stigma following public intervention for delinquent behavior. The need for guidelines in police discretion and the effect of juvenile detention are also considered. Such diversionary programs as traditional law enforcement diversion, a police-operated diversion program, and the Youth Service Bureau are described. Research and evaluation of juvenile diversion are discussed in the final five selections.

7. COLE, G. F., Ed. Criminal Justice -- Law and Politics. Belmont, California, Wadsworth Publishing Company, 1972. 426 p. (NCJ 25794)

This collection of articles emphasizes the relationship between law and politics within the context of the administrative facet of the criminal justice system. Of particular importance is the assumption that criminal justice is achieved through bargains or exchange relationships arrived at among participants in the process and is influenced by politics, administrative needs, and the community environment. To speak of the judicial process as a system with clearly defined goals may be misleading; rather, there are many subunits, each with its own goals and often having little likeness to the need of society for security and justice. Each of the parts is devoted to an examination of a specific subunit of the criminal justice system. It is thus possible to consider the treatment of defendants, the organizational context of decisionmaking, and the influence of politics at each step from the police through judicial determination of guilt or innocence. The specific subunits under examination are police, prosecution, defense attorneys, and courts.

8. COLE, G. F. Politics and the Administration of Justice. Beverly Hills, California, Sage Publications, Inc., 1973. 234 p. (NCJ 11414)

This is a critique of the criminal justice system based on the assumption that the judicial process is a subsystem of the larger political and economic system and that considerations are a factor in decisionmaking. The view that the criminal justice system is an efficient, mechanical, consistent process of dispensing justice to individuals while protecting and preserving social order and normative values is an illusion, according to the author. Police, prosecutors, defense counsel, and judges, together with community attitudes and the economic and social power of defendants, are considered to interact in a complex, ambiguous interplay that varies with each person's encounter with the criminal justice system. The principal personnel of the criminal justice system -- police, prosecutors, defense counsel, and judges -- are examined from the perspective of the socioeconomic conditioning that may have attracted them to their roles. The administrative, political, and social milieus that affect the decisionmaking of these personnel are also examined. Interpersonal interchanges that take place behind the scenes of the formal criminal justice system, such as plea bargaining, are analyzed and the pros and cons discussed. It is recommended that a more consistent treatment of defendandants would be enhanced by increasing the adversary context of the criminal justice process. Emphasis on professional norms, strengthening the appeal process, and financial incentive to defense counsel are suggested as ways to do this. This book purports to bring a view of the actual dynamics at work within the criminal justice process and thus provides an important base of information from which to discuss reform considerations.

9. CRESSEY, D.R., Ed. Crime and Criminal Justice. Chicago, Quadrangle Books, 1971. 298 p. (NCJ 31963)

This book is a collection of 21 articles dealing with such subjects as the nature and extent of the crime problem, the effects of recent laws on criminal justice, criminal justice operations, and criminal justice reforms. Among the specific topics covered in this anthology are the effects of business and government corruption, a historical review of the growth of police legal limitations, and the effects of laws protecting the rights of the offender. Also discussed are the nature of police work, the operations of the Supreme Court, the prison subculture, and use of experimental techniques such as work furloughs, role playing, and drug rehabilitation programs. A final section is devoted to proposals for improving various elements of the criminal justice system without damaging the social order or the civil liberties of citizens.

10. DAVIS, K. C. Discretionary Justice -- A Preliminary Inquiry. Baton Rouge, Louisiana, Louisiana State University Press, 1969. 245 p. (NCJ 10748)

This study explores the areas of discretionary justice that are beyond the reach of both judicial review and trial-type hearings. The author contends that our system of statutes and judge-made law is overdeveloped and that our system of administrative justice, police justice, and prosecutor justice is underdeveloped. Concrete proposals for reforming our system of discretionary justice are advanced, and the groundwork for further empirical and philosophical studies are laid. It is recommended that unnecessary discretionary power be eliminated and that better ways to confine, structure, and check necessary discretionary power be found. The author develops a theory of discretionary action and applies it to concrete subjects, such as Federal Trade Commission merger clearances, selective enforcement and policymaking by police, evictions from public housing, sentencing by judges, practices of the U.S. Parole Board, and antitrust guidelines.

11. _____. Police Discretion. St. Paul, Minnesota, West Publishing Company, 1975. 188 p. (NCJ 25454)

In this study of selective discretionary enforcement practices, the author found that police falsely pretend to enforce all criminal law because that is what they believe the law requires them to do. Approximately 300 Chicago police at all levels were interviewed for this study. Each of the top six officers (the superintendent and deputy superintendents) separately confirmed all facts. The author contends that police cannot fully enforce all criminal law for several reasons, including the frequent legislative intent with respect to specific criminal statutes and the usual appropriation of only enough for around one-half to two-thirds of full enforcement. He

argues that false pretense prevents open selective enforcement policy, prevents special studies of enforcement policy, prevents enlistment of public participation in policymaking, and discourages the police from coordinating their enforcement policy with the policy of prosecutors and judges. The author maintains that open selective enforcement is legal and should be made part of express police enforcement policy. His thesis is as follows: (1) that the false pretense should be terminated, (2) that the selective enforcement policies should be open, (3) that top officers should make the overall policies, (4) that they should use professional staffs for making it, (5) that for much of it they should use rulemaking procedure of the kind that Federal administrative agencies customarily use, and (6) that patrolmen should no longer make overall enforcement policy. Fourteen separate reasons for open selective enforcement are summarized. Also considered is the case law on judicially required administrative rulemaking, along with various judicial techniques for imposing that requirement. A discussion of the right mix between police rules and police discretion rebuts the idea that rules necessarily replace discretion, emphasizes the utility of rules to reinforce and to guide discretion, and proposes that patrolmen should have discretion to individualize the application of enforcement policy that is centrally made. The appendix contains an account of the interviewing process used in this study.

12. FORCE, R. Decriminalization of Breach of the Peace Statutes -- A Nonpenal Approach to Order Maintenance. Tulane Law Review, v. 46, n. 3: 367-445. February, 1972. (NCJ 05275)

This report contains suggestions for a formal conceptual separation of the law as it relates to law enforcement and as it relates to keeping the peace. Breach of peace is a generic term that includes a variety of offenses. There are two key elements in an action for breach of peace -- it must involve behavior that is public, and it must refer to behavior that could lead to physical conflict. There is much overlap and duplication of State and local ordinances regarding breach of peace. The author states that in many cases police and court intervention are unwarranted. Where initial intervention is all that is required or the best that can be done, he states that the matter should end there. Where, however, community resources may be brought to bear on underlying problems, those resources should be made available outside the context of the criminal law. Criminal law should be used only in cases of severe harm or repetitive behavior for which there is no other immediately available solution. In addition to proposing a civil order maintenance statute, the author also presents a summary of English and U.S. laws dealing with breach of peace.

13. GEARY, D. P., Ed. Community Relations and the Administration of Justice. New York, John Wiley and Sons, 1975. 443 p. (NCJ 16492)

This book presents basic concepts from the fields of history, psychology, communications skills, law, and sociology which stress understanding of human beings and how to operationalize this understanding in a practical way for police. A historical explanation of the police role, a discussion of the effects of societal changes on police work, and an examination of the different rule concepts for police working with citizens are first provided. Changes that are taking place in policing are discussed, and suggestions on how to help police cope with these changes are offered. Psychological factors affecting police-community relations, different ways in which people communicate with each other, and some factors such as bias or scapegoating which interfere with communication are discussed. Police-press relations and the difference between public relations and police-community relations are explored as well. Other topics discussed include destructive police practices, selective and discriminatory enforcement of laws, community control of police, militant organizations and dissident groups, conflict management, and the impact of police-community relations on the police system.

14. GOLDSMITH, J. and S. S. GOLDSMITH, Eds. Police Community -- Dimensions of an Occupational Subculture. Pacific Palisades, California, Palisades Publishers, 1974. 295 p. (NCJ 14809)

This collection of readings is concerned with the occupational, psychological, political, and social dimensions of the police community. The police community attempts to identify and define those distinctive cultural and behavioral patterns that are associated with the occupational role of the policeman. Authoritarian acting out, intradepartmental socialization, and the training of recruits by senior patrolmen are three of the factors that, according to the authors, tend to perpetuate this subcultural pattern. The concept of the police community has been separated into four dimensions for the purpose of organizing the readings. The occupational dimension considers the policeman as an "economic man" in his role as worker. The readings in this section attempt to determine how membership in the police community shapes on-the-job behavior and how his unique job situation affects the policeman. The psychological dimension refers to the existence and nature of a police personality type. Some of these readings equate the police personality with authoritarianism, while others portray it as a reflection of the social groups from which police are likely to be recruited. The political dimension is concerned with the political phenomena of interest group activities, the policeman as an agent of government, the police political ideology, and local community power over police activities. Finally, the social dimension readings examine the theme of recruit socialization from the perspectives of police solidarity and the development of codes of behavior.

15. HALL, D. J. Role of the Victim in the Prosecution and Disposition of a Criminal Case. Vanderbilt Law Review, v. 28, n. 5: 931-985. October 1975. (NCJ 34071)

This article describes and evaluates the ways in which a victim can influence the course of a criminal case, from investigation and arrest to parole release and clemency. This study focuses on a frequently observed situation: the police officer or the prosecutor, each of whom is given broad discretion in the exercise of his responsibilities, has some evidences of possible criminal involvement but is unsure of how to proceed with the case, if at all. Given this situation, can the adamant victim of the crime persuade the policeman or prosecutor to pursue the arrest or prosecution? If the victim's wishes are taken into account, do any patterns of decisionmaking surface according to the crime involved or the stage at which the influence is exerted, or related to the victim's status, relationship to the accused, or the victim's age, sex, race, or other characteristics? In deciding how much weight to accord the victim's desires, what criteria are used? Data for this study were gathered through personal interviews with participants in the criminal justice system in Nashville, Tennessee (police officers, defense attorneys, prosecuting attorneys, judges, probation officers, parole board officials, and members of the Governor's staff). Victim influences on the reporting of crimes, criminal investigation, the decision to arrest, the bail decision, the decision to prosecute, and postconviction decisions are all explored in addition to the existing legal means of exerting influence (forcing prosecution, blocking prosecution, compromise statutes, and private prosecution). The study confirms that the victim plays a significant informal role in the prosecution and disposition of a criminal case. Several general patterns were discernible. First, the victim exercises greater control over preliminary stages of the process, such as arrest, than later phases, such as sentencing and parole. Secondly, the victim of a misdemeanor or nonserious felony is better able to effect the dismissal of charges than the victim of a serious felony. Thirdly, the desires of a victim seeking vigorous prosecution of a serious-crime offender are given greater consideration than the desires of reluctant victims of the same offenses. Fourthly, the wishes of reluctant victims of nonserious crimes are more likely to be honored than are the desires of aggressive victims of such crimes. Lastly, and perhaps most importantly, the victim's influence over the criminal case depends upon the receptivity and malleability of the individual with whom the victim interacts (police officer, prosecutor, or judge). The common denominator in all cases was the exercise of discretion by police, prosecutors, judges, and correctional officials. Study recommendations include efforts by officials at all stages of the criminal case to ascertain and consider the attitudes of victims; guidelines for official discretion; written procedures for communicating with victims prior to or during plea negotiations; the discouraging of the practice of employing private prosecutors; and cautious selection of police officers, prosecutors, and judges.

16. INTERNATIONAL ASSOCIATION OF CHIEFS OF POLICE. Urban Police Function -- Standards Relating To (Special Reprint Issue). Washington, 1974. 30 p. (NCJ 15546)

This report contains recommendations dealing with a number of issues, such as the role of police in society, the role of the legal profession in supporting the police, and the relationship between the police and other components of the system. This reprint of the standards relating to the urban police function is published by the joint ABA-IACP Advisory Committee on Implementation. The standards can assist the police official in dealing with numerous administrative and legal problems that adversely affect the delivery of police services. They include specific recommendations for confronting particular problems present in many police departments; for example, the appropriate exercise of police discretion, the role of police employee organizations, the adequate allocation of department resources, recruitment and training, internal disciplinary measures, and the interaction between citizens and police officers. The standards urge the police administrator to identify objectives and priorities of the police operation. They identify a number of current major responsibilities which warrant priority consideration in terms of manpower and fiscal appropriations. Numerous recommendations and proposals for specific action are urged in the standards, many of which can be pursued by the police administrator. The standards provide guidelines for developing administrative rules and policies which apply to the police operation and suggest a course of action for seeking necessary assistance from outside sources to implement these rules.

17. KOBETZ, R. W. Police Role and Juvenile Delinquency. Gaithersburg, Maryland, International Association of Chiefs of Police, 1971. 277 p. (NCJ 10807)

This book presents policy guidelines, administrative and organizational concepts, and training suggestions for police-juvenile operations. Changes in American society have necessitated many innovations in law enforcement. This is particularly true in the field of juvenile delinquency, where recent Supreme Court decisions have altered police operational procedures and placed new restrictions on the police role with children. This book, a working text on the police role in the juvenile justice system, is a direct result of a research project undertaken by the IACP to bring police-juvenile operational procedures into contemporary perspective. In addition to the formulation of policy guidelines, this work explores the nature and extent of the delinquency problem in relation to other societal problems, with pertinent measurements of the scope of delinquency. As a result of an extensive survey of contemporary police-juvenile operations across the country in conjunction with a series of regional workshops, the present state of the art is reviewed. The principles and processes of police authority and responsibility are also presented along with legal directives and considerations of the juvenile intake and detention process.

For purposes of historical reference, a chronological development of the nationwide police response to juvenile problems over the past century is included. Overall administrative and organizational concepts are proposed in conjunction with suggestions of the police-juvenile unit. The future role of the police in dealing with the problems of delinquency, and present police programs in juvenile community relations, are offered as additional guidelines for operational consideration. An appendix contains suggested curriculum for police training in juvenile matters, and an extensive bibliography is provided.

18. McINTYRE, D. M. Impediments to Effective Police-Prosecutor Relationships. American Criminal Law Review, v. 13, n. 2: 201-231. Fall 1975. (NCJ 31659)

The major impediments to effective police-prosecutor relationships are conflicting goals and poor information flow: one effective solution is to set up a felony review unit that necessitates interagency cooperation in screening cases prior to charging. Questionnaires were administered to 247 police and prosecutors attending a conference on police-prosecutor relations. The first section of this article examines the data on whether prosecutors and police transmit advice to each other on joint agency problems. The inquiry reveals that the two agencies cooperate to a greater or lesser degree, largely depending on the specific problem involved. The second section covers the transactions in which police and prosecutors inevitably make contact. It describes the likely sources of tension and friction between the two agencies in settings such as case screening, police training, and trial preparation. The third section discusses reasons underlying the conflict and describes Chicago's Felony Review Unit as the panacea for many of the impediments to effective interagency cooperation.

19. MICHIGAN OFFICE OF CRIMINAL JUSTICE PROGRAMS. Interagency Relations and Police Diversionary Practices -- Policy Implications. By K. W. Johnson and N. L. Wissler. Lansing, Michigan. 37 p. (NCJ 13216)

This report presents a discussion of research findings which deal with interagency relations and the police practice of diverting citizens to appropriate supportive agencies. The initial focus of the analysis cites the degree to which the relationship between police officers and personnel from supportive-type agencies can be improved by having police officers observe operations in these agencies for a given time period. In succession, the authors offer a descriptive presentation of diversion practices among policemen being studied and examine interagency relations as an important factor in developing diversionary policy. Based on these findings, an alternative model is discussed which offers future direction for police diversionary policy.

20. MORE, H.W. JR., Ed. American Police -- Text and Readings. St. Paul, Minnesota, West Publishing Company, 1976. 287 p. (NCJ 34668)

The 23 articles in this anthology deal with the contemporary police department and the psychological factors affecting police behavior. The text begins with an examination of the history of police, from the early history of English law enforcement through urbanization and modernization in the United States. Police function is discussed from the standpoint of organization and distribution, with an emphasis on police response, functions of patrol officers, and problems of smalltown police. A section dealing with "policing society" presents articles on psychodynamic understanding of police and police work, the police perspective, the citizen perspective, and police discretion. The police personality is discussed, and issues such as misconceptions, values, cynicism, anomie, and overperception of hostility are explored. Police behavior is also addressed in discussions of police culture, attitudes toward communication with the public, police prejudice, police deviancy, and militant police officers. Organizational stress on police officers, job stress on police administrators, and the concept of a consumer-oriented police department are examined in a section related to organizational impact. An appendix presents a paper entitled "Ethical Standards in Law Enforcement," prepared by the Law Enforcement Association on Professional Standards, Education, and Ethical Practice. An index is provided.

21. MYREN, R. A. Decentralization and Citizen Participation in Criminal Justice Systems. Public Administration Review, v. 32, Special Issue: 718-735. October 1972. (NCJ 07550)

This article discusses the impact of decentralization and citizen involvement on law enforcement practices and on the courts and corrections. It is in the police component that most of the decentralization and citizen participation action has been found. This is probably attributable to the fact that police action is painfully obvious to the residents of a neighborhood and its impact felt immediately and directly. It also is a governmental subsystem manned by persons without special preservice education, which makes the ordinary citizen believe that he is qualified to comment on and participate in police operations. What happens at the police level determines to a large extent what the balance of the criminal justice system can do. The primary sorting out of criminals from ordinary citizens is done by policemen. Police officers determine, in one way or another, the limits of community tolerance in their exercise of discretion as to how limited resources for enforcement are to be deployed. It is literally impossible for them to enforce all of the law all of the time. Only those arrested by the police can be adjudicated by the courts and rehabilitated by corrections.

22. NIEDERHOFFER, A. and A. S. BLUMBERG. Ambivalent Force -- Perspectives on the Police. Corte Madera, California, Rinehart Press, 1973. 368 p. (NCJ 10706)

The police occupation and role is viewed from the perspectives of behavioral scientist, journalist, lawyer, historian, and policeman. The similarities in the way in which police have handled disruptions in every era are indicated. The book uses a comparative approach in presenting racial, ethnic, and religious differences to account for the political stance of various police officers. Public and private myths about the police are explored as well as the psychological impact of police work. The authors deal with the organizational and institutional constraints of the police system and the problems of police professionalization. The sources of the police values of secrecy, authoritarianism, and defensiveness are examined. The chapter on police discretion presents the social, organizational, psychological, and ideological variables operating in the exercise of that discretion. Relations between police and the urban ghetto communities, and the range of legal issues affecting police work are considered. Recommendations for change are presented.

23. RADELET, L. A. Police and the Community, 2d Ed. Beverly Hills, California, Glencoe Press, 1977. 665 p. (NCJ 41195)

This text explores the psychological, sociological, and special considerations which characterize police-community relations and analyzes the various types of police and community relations programs. First, the historical background and scope of police-community relations are reviewed, followed by an analysis of three interrelated fundamental issues that must be considered in order to gain an understanding of existing police-community relations problems: the police role, police professionalism, and the discretionary use of police power. An overview of some of the more significant psychological considerations in problems of police-community relations probes, the pivotal issues of police self-image, public images of the police, and how these are effected by attitudes, beliefs, values, prejudice, and rumor. A look at sociological aspects of contemporary police-community relations problems focuses on social processes and social control, particularly in relation to blacks, youth, and the poor. The issue of citizen control of the police is also highlighted. An analysis of the influence of special considerations of the relationship between the police and community covers police-prosecutorial-court relations, corrections-community relations, police-media relations, the politics of policing, and community responsibility for crime prevention. A discussion of various problems aimed at improving police-community relations considers training programs for the police, institutes and metropolitan organizations, police-school liaison projects, public relations and information projects, and miscellaneous other programs. Appended materials include a 31-page bibliography and a subject index.

24. REISS, A. J. JR. Discretionary Decision Making and Professionalization of the Police. In Chapman, Samuel G., Ed., Police Patrol Readings, 2d Ed. Springfield, Illinois, Charles C. Thomas, 1970. 5 p. (NCJ 15159)

Different situations in which a police officer must exercise judgment are reviewed, and the need for professionalism as a basis for police authority is presented. Professional duties of the policeman, such as handling physical or verbal abuse; dealing with emergency situations or large numbers of persons; and controlling those not directly concerned in an action, such as family members or crowds of witnesses, are discussed. The author states that the dilemma for police is to balance in some way traditional moral and quasi-legal concerns on enforcing the law and catching criminals with the emerging concerns for civil rights and legal requirements on police methods. Professionalization of police is seen as a solution to this problem. The police patrolman, in spite of his position at the lowest rank in the decisionmaking system, is seen as having the broadest potential range of discretion and jurisdiction and therefore of possibilities of exercising professional judgement. Still, he is in the most vulnerable position in the system of law enforcement with respect to restriction of his jurisdiction.

25. RUCHELMAN, L. Who Rules the Police. New York, New York University Press, 1973. 298 p. (NCJ 11085)

This book discusses the impact of police political activism on urban political environments, with particular emphasis from the perspective of civil accountability and control. The escalation of conflict and violence during the past decade has placed an awesome burden upon the nation's police authorities. The police are the most visible part of the law enforcement process, a position which places them between "law and order" groups making unrealistic demands, and minorities and dissenters often openly hostile. As a result, the police have organized on behalf of their own particular needs and interests. Drawing on a range of 17 readings, Dr. Ruchelman examines the implications of this new police activism, probing the realities of the police officer's job in the context of community affairs. His central interest is in assessing police behavior from the perspective of civil accountability and control. Society's standards for police behavior are analyzed in readings which discuss the sources of police control: civilian review, police internal review, the mayor and city council, prosecutors, and the judiciary. One section explores the special problems involved in police discretion, as well as the police interface with courts and prosecutors. Abuse of discretionary power is characterized in the readings dealing with the Chicago riots during the 1968 Democratic National Convention, and police corruption in New York City as revealed by the Knapp Commission's investigation. Finally, four articles delve into the nature of political contention between civil authority and organized police groups and the impact of the police on urban political environments. Three appendixes outline key actions

concerning civil review and accountability, the law and order issue, and police-community relations in three major cities -- New York City, Philadelphia, and Chicago.

26. SANDERS, W. B. and H. C. DAUDISTEL. Criminal Justice Process -- A Reader. New York, Praeger Publishers, 1976. 301 p. (NCJ 34969)

This textbook presents 16 articles which provide a sociological perspective on the application of the law, police encounters with citizens, decisionmaking in the adjudicatory stage, and courtroom interactions. Through an examination of the basic social structures, rules, attitudes, and practices in the criminal justice process, the editors have attempted to provide the student with an understanding of the day-to-day processes that constitute the criminal justice system in operation. This anthology first investigates such topics as police discretion, police roles, and the decision-making processes involved in arrests, criminal investigations, and juvenile relations. The second set of articles in this text examines the social organization of prosecution and defense, focusing on how decisions about criminal cases are made and whether such decisions reflect the intent of the criminal law or some informal normative system developed within the legal bureaucracy. In the final section, several authors investigate the informal rules and formulas which are used by court personnel to guide their behavior. Specific aspects of the court process reviewed in this text include bail setting, treatment of rape victims, handling of drunk offenders, and sentencing.

27. SCHILLER, S. A. More Light on a Low Visibility Function -- The Selective Enforcement of Laws (Part 4). Police Law Quarterly, v. 2, n. 3: 35-44. April 1973. (NCJ 10508)

This article discusses the need for the articulation of rationales and standards for selective law enforcement and a proposal for the development of policymaking boards to set guidelines. The failure to recognize the use of discretion by police officers has led to a a number of difficulties in police operations. A police officer is not trained to use selective law enforcement according to any officially recognized standards, and therefore his decisions are uncertain and inconsistent. Usually the reasons given for the refusal of police adminstrators to acknowledge the use of discretion by individual patrolmen are all reviewed and discounted. The author proposes that a policy articulation and implementation board be established. This board would not handle citizen complaints; those would be referred to internal police review or to the courts.

28. SCHMIDT, W. W. Proposal for a Statewide Law Enforcement Administrative Law Council. Journal of Police Science and Administration, v. 2, n. 3:330-338. September 1974. (NCJ 25015)

This article advocates the formalization of police policymaking in a legal sense through the creation of a statewide law enforcement council in each State, whose adopted rules and policies would have the effect of law. The State Law Enforcement Administrative Law Council envisioned by the author would be empowered to promulgate rules governing the conduct and behavior of the police. To guide their activities and to delineate their discretionary practices, a comprehensive code covering all aspects of law enforcement is envisioned. A flexible system, unlike an annually revised statutory code would result from this administrative law process. Suggested provisions to be incorporated in a statute creating such a body and defining its terms are included. The rules adopted by these councils would not be statutes, but would be statements in aid of statutes and adjudicated law. However, under this proposal these rules have the effect of law and must be recognized in all courts of the State with the same force and effect as the statutes and common law they implement, interpret, augment, or restrict. The effects of these councils on police discipline and on the exclusionary rule are discussed.

29. SKOLNICK, J. H. and T. C. GRAY, Eds. Police in America. Boston, Little Brown, 1975. 328 p. (NCJ 19813)

This book is a collection of articles reflecting some of the complexities and the variety of social issues and demands in the contemporary United States. In a discussion of professional police in a free society, the articles focus on the origins and development of the police, and police personality and socialization. "The Role and Function of Police" covers topics such as the capacity to use force and police discretion. Police-minority relations; police and youth; and mental illness, deviance, and dissent are also discussed. "Organization and Control of the Police" deals with police revolts, police malpractice, and citizen control of the police.

30. STEER, D. Offenses Recorded as Known to the Police -- Some Reflections on the Investigation of Crime. Bristol, 1975. 12 p.
MICROFICHE (NCJ 29027)

The number of crimes recorded as known to the police is neither a perfect nor always a neutral measure of the level of crime, posits the author, who further states that the indictability of an offense affects its enforcement. From research that is being carried out by the penal research unit with the help of a criminal investigation unit, the author shows that the definition of what is a "crime" for statistical purposes may ultimately determine the response of individual police officers to particular situations. This is most noticeable in the case of nonindictable offenses akin to crime. It has been suggested that changes in the definition of crime might have some impact on the pattern of enforcement. None of the changes that are likely to result would be unacceptable, but neither ought the possibility of their occurring be overlooked. The nonindictable offenses which are not (by preference) normally handled by detectives, who relegate them to uniformed officers, include aggravated assault, assaulting a police officer, brothel keeping, pimping, cruelty to children, indecent exposure, unlawful possession, and loitering with intent.

31. UNITED NATIONS. Asia and Far East Institute for the Prevention of Crime and Treatment of Offenders (UNAFEI). Report of the Seminar on the Roles and Functions of the Police in a Changing Society. Tokyo, Japan, 1975. 45 p. MICROFICHE (NCJ 34277)

An overview of the seminar objectives and conclusions, and brief summaries of the participants' presentations and general discussion sessions are provided in this report. The 39th seminar course was attended by 19 representatives from 13 Asian and Far Eastern Nations. Most participants were senior police officers. Among the subjects reviewed were the goals of police agencies, the role of police discretion, the organization of the police force, recruitment and training of police, and international cooperation in police funding and reforms. Recommendations reached during the seminar are listed. Summaries of the participants' presentations are then provided. The topics covered included the nature of crime in the individual countries, police problems, the police role in a changing society, police-community relations, police responsibilities, and the influence of each country's culture and history on its police force. Summaries of general discussions held on appropriate police tasks, police responsponsibilities, force and authority in the police role, and police reform are also provided.

32. U.S. DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE. National Institute of Mental Health. Decision-Making in the Criminal Justice System -- Reviews and Essays. By D. M. Gottfredson. Washington, U.S. Government Printing Office, 1975. 143 p. Stock No. 017-024-00462-6.
MICROFICHE (NCJ 31371)

In a series of eight essays, this document presents and analyzes the basic nature of decisionmaking for each juncture in the criminal justice process: police, prosecution, courts, and corrections. Writing within the context of the often conflicting goals toward which decisionmaking is directed, the authors go beyond an analysis of the processes and present an overview of the procedures and types of information which influence decisions within the system. The authors consider each of these as well as the often conflicting societal demands for retribution, punishment, deterrence, rehabilitation, and reintegration, and the impact of all these on decisionmaking. The concepts of diagnosis, classification, and prediction are first examined, and their relevance to criminal justice decisions is explored. Decisionmaking is discussed with respect to such common issues as delinquency, detention, juvenile probation, pretrial release, preventive detention, and competency. Patterns of police decisionmaking are studied as well. Several perspectives on court decisionmaking, such as sentencing and prosecution decisions, are presented. Also discussed is the relationship of modern decision theory to correctional decisionmaking, and research needs in decision study.

33. _____. National Institute of Mental Health. National Clearinghouse for Alcohol Information. Alternative Approaches to the Public Inebriate Problem in Metropolitan Areas -- Findings from Atlanta, Georgia, and Baltimore, Maryland. Raleigh, North Carolina, Human Ecology Institute, 1974. 12 p. MICROFICHE (NCJ 29004)

This paper is the summary of a study which estimated the current costs of handling public inebriates and projected the future costs of both maintaining existing aproaches and implementing new systems for handling public inebriates in two cities. This study was commissioned by the Special Projects Branch of the National Institute on Alcohol Abuse and Alcoholism (NIAAA). The two metropolitan areas studied were Atlanta, Georgia, and Baltimore, Maryland. Atlanta was chosen as a study site because it exemplified the traditional approach of heavy reliance on criminal prosecution of public inebriates. Baltimore was selected as study site because in 1968 the Maryland State law was changed to prohibit charges for public intoxication, which has resulted in the development of an extensive network of rehabilitative services for public inebriates. Based on comparisons of the approach to the public inebriate in these two areas, it is concluded that rehabilitation is a more cost-effective approach to the problem than a punitive approach utilizing criminal

justice agencies. Coordination of rehabilitation services and provision of services sufficient to demand is stressed. Implications for other metropolitan areas are also discussed.

34. _____. Office of Youth Development. Intake Screening Guides -- Improving Justice for Juveniles. By J. Olson and G. H. Shepard. Washington, 1975. 36 p. Publication No. (OHO/OYD) 75-26040 (NCJ 19121)

This report presents criteria for the screening and referral of youth coming to the attention of law enforcement officials and juvenile court intake. The guides suggest screening processes at intake levels and provide criteria for dispositional practices by law enforcement and juvenile court intake units. In addition, they promote the formation of interagency agreements between youth-serving agencies and the juvenile justice system for processing youth into or out of the system, and they recommend organizational structures for law enforcement and juvenile court intake units that will facilitate delinquency prevention practices and procedures.

35. U.S. DEPARTMENT OF JUSTICE. Law Enforcement Assistance Administration. Police Educational Characteristics and Curricula. By L. T. Hoover. Washington. 219 p. (NCJ 26897)

This book contains an examination of the rationale for higher police educational standards, a report of research on the impact upgrading efforts, a critique of current educational programing, and the explication of a model criminal justice curriculum. The rationale involves police ability to control crime, perform their order maintenance function, and properly exercise discretion. The research reported includes an assessment of current police recruit educational levels; patterns of employment of college recruits; the impact of the law enforcement education program, police cadet programs, and agency reward programs; the influence of agency characteristics in attracting and retaining college recruits; and the impact of the development of educational programs in law enforcement and criminal justice. An examination of present educational programing postulates several major deficiencies. A model curriculum is proposed which provides a broad theoretical orientation to the entire criminal justice process. The model consists of guidelines for 29 criminal justice courses. Each guidelines includes both selected related readings and a content outline.

36. _____. Law Enforcement Assistance Administration. Police -- Report of the National Advisory Commission Justice Standards and Goals, 1973. Philadelphia, U.S. Government Printing Office, 1973. 687 p. Stock No. 2700-00174. MICROFICHE (NCJ 10858)

This report contains suggestions for overall improvement in delivery of police services for greater protection against crime. The National Advisory Commission on Criminal Justice Standards and Goals considers the patrolman the primary force in reducing and preventing crime and thus directs its report recommmendations toward increasing police effectivness. Suggestions for improvements in police functions are presented in the areas of working with the community, planning and organization, technology and support services, fiscal management, and coordination with other criminal justice agencies. These proposals appear in the form of more than 120 specific standards and recommendations that spell out where, why, and how these improvements can and should be made in the police segment of the criminal justice system. Report on Police is a reference work for the practitioner -- patrolman to police chief -- as well as for the interested layman. Before implementing any of the changes advocated, police departments are advised to detail the legal limits of police authority and develop guidelines for the exercise of that authority. In order to improve cooperation between the police and the community, it is suggested that police agencies establish a specialized unit for maintaining communication with citizens. Each police department should encourage and participate in neighborhood security programs and establish procedures to facilitate processing of complaints. Suggestions for more effective utilization of manpower include continued consolidation; stricter personnel requirements; increased employee benefits; and the employment of more women, minorities, and civilians in police work.

37. _____. Law Enforcement Assistance Administration. Policing a Free Society by H. Goldstein. Cambridge, Massachusetts, Ballinger Publishing Company, 1977. 371 p. (NCJ 40518)

This study addresses the long-neglected problems concerning the basic arrangements for policing in this country that must be considered to improve the capability of the police to deliver high-quality services. Promoted are a more intensive consideration of these problems and a subsequent alignment of public expectations, legal requirements, and police capabilities in order to enable the police to perform their assigned tasks more effectively. Subjects explored by the author include the work of police, the multiplicity of their functions, and uses they make of the criminal justice system. He discusses alternatives to the existing system and focuses on the singularly important element of discretion that must be exercised throughout the police organization. Further examined are the sensitive issues that arise in directing and controlling police conduct. By measuring historical changes in police practice in terms of its end product -- the quality

of service delivered to the public -- the author offers a critical evaluation of what is presently being done and what should be done to make the contact between the government and the individual more effective and more responsive to the needs of a democratic society.

38. _____. Law Enforcement Assistance Administration. National Institute of Law Enforcement and Criminal Justice. Dallas Police Legal Liaison Division -- An Exemplary Project. By H. L. Wise. Dallas, Texas, Dallas Police Department, 1976. 110 p. (NCJ 34673)

The Legal Liaison Division provides training and legal counsel to staff-level police officers and investigators in order to prevent and correct police legal error and to reduce the number of cases rejected or dismissed. The Dallas program and the particular type of legal advisor effort it represents -- centering on practical assistance and training for line investigators and officers -- are the subjects of this document. This manual is written primarily for police administrators, planners, and others in a position to consider the establishment of a police legal advisor program in their jurisdictions. The Dallas program is described in some detail and its strengths and weaknesses pointed out. An attempt is made to draw from the Dallas experience and other sources to provide as much guidance as possible to other departments. Clearly this document is not the last word on the provision of legal services to police. What it does contain is a discussion, based on one example, of one approach to the legal needs of police -- the provision of legal training advice and case document review for all line officers in a moderate to large law enforcement agency. The precise approach taken in Dallas may not be the best for any given department; but, on careful examination, much may be learned from the Dallas experience which can be adapted to meet the needs of other departments. The first chapter summarizes the operations and results of the Dallas program. Succeeding chapters discuss the development and approach of the Dallas program in greater detail -- its administration, the types of services provided to the Dallas Police Department, the costs of those services, and the project's monitoring and evaluation systems.

39. _____. Law Enforcement Assistance and Criminal Justice. Diversion of the Public Inebriate From the Criminal Justice System -- Prescriptive Package. By C. W. Wells. Washington, U.S. Government Printing Office. 64 p. Stock No. 2700-00226. MICROFICHE (NCJ 10946)

This handbook suggests means for removing the skid row drunk from the revolving door process of prosecution and jail and into community health or social service agencies. Public inebriates have traditionally accounted for one-third to one-half of total arrests in municipalities and have long clogged U.S. jails and courts. The intent of

this handbook is to suggest diversionary programs which will not only relieve the burden on law enforcement but will also enhance the legal, physical, and social well being of this victimless crime offender. Five specific types of services, each filling a concrete need of the skid row inebriate, are viewed in terms of their objectives, components, requirements, and implementation variables. The first two are directly diversionary in that they can have an immediate impact on relieving law enforcement personnel. Medical evaluation and subacute detoxification (MESAD) combines a number of functions, including emergency pick-up, out-patient medical evaluation, and in-patient treatment. The second of these services is the provision of shelter, food, and clothing, not only to inebriates but to homeless men as well, thus eliminating a major factor leading to arrests. The three other services discussed are indirectly diversionary and include intermediate care offering structured treatment, community residential living facilities, and reinforcement of treatment through aftercare services. General guidelines are provided for mobilizing community support, securing financing, and training staff personnel.

40. _____: Law Enforcement Assistance Administration. National Institute of Law Enforcement and Criminal Justice. Guidebook for Planners and Practitioners. By D. E. Aaronson, N. N. Kittrie, and D. J. Saari. C. S. Cooper, Ed. Washington, American University Law School Institute for Advanced Studies in Justice, 1975. 393 p. (NCJ 41517)

This guidebook is a report to planners and practitioners of an 18-month survey of alternatives to conventional criminal adjudication and their impact of the activities of the criminal justice system. Researchers collected and analyzed a large amount of written documentation and evaluative reports of alternative projects throughout the country and, in addition, visited over 20 cities to examine their alternative procedures. To facilitate analysis of the relationships among various alternatives and actors in the criminal justice system, a matrix was prepared, with the decision points at which alternatives can apply on the horizontal axis and individuals and agencies which might apply alternatives on the vertical axis. Among the individuals and agencies examined are legislators, police, prosecutors, trial courts, defense counsel, public and private agencies, citizens, probation and parole officers, and appellate courts. The decision points were categorized in the following manner: (1) decision to define conduct as a crime, (2) decision to focus attention on a suspect, (3) decision to arrest, (4) decision to charge, (5) decision to release defendant pending trial or disposition, (6) decision on pretrial motions and applications, (7) decision to try or to accept plea, and (8) decision to sentence. Within this typology, more than 70 different models of alternatives are defined and examined. This guidebook offers criminal justice planners and practitioners new and useful ideas for planning, comparisons of ideas placing them into a new context, a realistic view of alternatives based upon empirical study, and a

reference tool for long-term future use. It summarizes the planning tasks which lie ahead for those who wish to consider alternatives to conventional adjudication for less serious offenses and offenders, emphasizing those alternatives which are related to or are likely to have a major impact upon the courts and the adjudicatory process, as opposed to the correctional system. Appended materials include sample texts of alternatives established through legislation and court rule, national standards relevant to alternative planning, and a selected list of alternative projects. The 3-volume report on the original 18-month research project is available as NCJ 19974.

41. _____. Law Enforcement Assistance Administration. National Institute of Law Enforcement and Criminal Justice. Impact of Decriminalization on the Intake Process for Public Inebriates. Third Project Report. By D. E. Aaronson, C. T. Dienes, and M. C. Musend. Washington, 1976. 288 p. MICROFICHE (NCJ 36030)

This report provides a comparative analysis of police attitudes in five cities on the handling of public drunkenness offenses and the relationship between these attitudes and intake for public inebriates (criminal versus therapeutic). Questionnaire survey results are presented comparing the attitudinal findings between the "criminal" (Houston, Texas, and and Richmond, Virginia) and "decriminalized" (District of Columbia, Minneapolis, Minnesota, and Saint Louis, Missouri) jurisdictions. Five city papers provide background information on the jurisdictions and compare the attitudes of officers in the target city with those of officers in each of the other cities, as well as intra jurisdictional differences between police districts within each city. The relationship between attitude and the officer's subject report of his behavior is also analyzed. In addition, a prescriptive model is presented which probes the relationship of policy goals and techniques of administrative enforcement. The tentative model is premised on four principal elements: the goals that a jurisdiction may wish to achieve, the conflict and compatibility of these goals. The delivery mechanisms available to achieve these goals, and techniques of administration whereby the delivery mechanisms are utilized to achieve the goals. Possible sites for study in regards to the prescriptive model (all jurisdictions which have made innovative attempts to handle the intake of public inebriates) are identified.

42. UNIVERSITY OF IOWA. Contemporary Studies Project -- Administrative Control of Police Discretion. Iowa Law Review v. 58, n. 4: 892-973. April, 1973. (NCJ 15786)

This study was designed to describe the existing process by which the police exercise their discretion in the making of selective enforcement decisions. This 8-month study, which focused on 3 small, urban

Iowa communities, was conducted by 3 student researchers. The majority of the fieldwork involved the observation of line officers in performing their daily function of routine patrol. A brief description of those aspects of conventional administrative law which may be applicable and relevant to the administrative functions of police is followed by an examination of the effective limitations on the patrolmen's discretion in small urban areas. Existing practices are analyzed to assess the influence of any written rules and to probe the process of informal rule generation. Also examined is the scheme of statutory and common law controls applicable to the police departments and its effect in controlling the exercise of police discretion. Police patrolmen were found to act independently of each other and their superiors in determining which persons will be subjected to the criminal justice process. Recommendations are made to correct existing deficiencies in the system. These include review of police discretion and rules for police behavior.

43. VORENBERG, J. Narrowing the Discretion of Criminal Justice Officials. Duke Law Journal, v. 1976, n. 4: 651-697. September 1976. (NCJ 37532)

This paper considers possible gains from reducing the discretionary power of criminal justice officials, the forms such reduction might take, and the processes that might lead to such changes. Efforts to reform the Nation's criminal justice system since the mid-1960's, particularly those developments that bear on discretionary decision-making, are summarized. Arguments for narrowing discretion are considered, exploring the extent to which such narrowing would in itself improve the quality of criminal administration involving major predatory crime and whether it would lead to the better understanding of criminal administration. Suggestions and examples for a process of change that over time would eliminate much of the unjustifiable discretion from criminal administration by concentrating on the different forms of relationships among courts, legislatures, and criminal justice officials are given. The proposed system is one on which decisions are made at the highest level of authority with the greatest degree of visibility permitted by the nature of the decision and the context in which it is made.

44. WEISTART, J.C. Police Practices. Dobbs Ferry, New York, Oceana Publications, Inc., 1972. 147 p. (NCJ 12839)

This examination of the enforcement practices and policies of law enforcement agencies focuses on the establishment of mechanisms to increase police accountability for enforcement practices. After a foreword that briefly discusses the problem of increasing police accountability, a profile of urban police examines the characteristics and behavior of police personnel: the police recruit, police socializa-

tion, police and the community, and police discretion are discussed. An article on Supreme Court effectiveness and the police organization emphasizes the limits of the effectiveness of Supreme Court-imposed restraints on police behavior. It argues that such effectiveness is mitigated by the milieu in which the police officer operates, by the characteristics of the police decisionmaking process, and by the relationship police have with their reference groups. Alternatives to the exclusionary rule are discussed as means for controlling police conduct, and the case for rulemaking by law enforcement agencies is presented. Unsuccessful efforts to establish efficient and responsive police review boards in New York and Philadelphia are explored, and underlying problems facing any institution which makes such an attempt are discussed. Other articles deal with police discretion and diversion of incidents of intrafamily behavior and the difficulties involved in defining and measuring police output.

45. WESTLEY, W.A. Violence and the Police -- A Sociological Study of Law, Custom, and Morality. Cambridge, Massacusetts, MIT Press, 1970. 222 p. (NCJ 02332)

This book is a study of the nature and functions of police work, police organization, and occupational culture as they relate to police self-image and job performance. It looks at the nature of police activities, how the police are organized and how they function, the kind of men they employ, and the ways in which they build a special occupational culture that defines the policeman's role in society. It identifies the forces that lead to such cultural norms as secrecy, legitimate violence, and maintenance of respect and describes the consequences they have for law enforcement, based on interviews and observation. It provides an understanding of police attitudes, what actions they are likely to take in different situations, and what is necessary for police reform.

46. WILCOX, A.F. Decision to Prosecute. London, England, Butterworth, 1972. 146 p. (NCJ 13175)

The method of prosecution in England, primarily by the police, is compared to the American and Continental systems. From this starting point, the author reviews the seldom used doctrine of private prosecution and the numerous factors or situations that warrant no prosecution or special consideration. Some of these factors include political considerations; laws that are obsolete, controversial, unpopular; or technical violations that may not reflect the legislative purpose of the statute. He discusses prosecution of the aged or infirm, administrative problems, and alternatives to prosecution. The study examines those controls on discretion that have been suggested or attempted, such as judicial control, legislative supervision, pub-

lic pressure, training, and supervision. Appended are a list of reasons for not prosecuting and a bibliography.

47. WILSON, J. Q. Varieties of Police Behavior -- The Management of Law and Order in Eight Communities. New York, Atheneum, 1970. 311 p.
(NCJ 10729)

This book presents ways used by police in eight communities for handling such common offenses as assault, theft, drunkenness, vice, traffic, and disorderly conduct. Roles of the patrolman and the police administrator, and police discretion are discussed. Three styles of policing -- the watchman, the legalistic, and the service styles -- are analyzed, and their relation to local politics are explored. Six of the communities cited for this analysis are from New York State: Albany, Amsterdam, Brighton, Nassau County, Newburgh, and Syracuse. The others are Highland Park, Illinois, and Oakland, California. Wilson discusses changing the patrolman's behavior and examines current proposals for reorganizing police departments. The ability of the patrolman to do his job may determine success in managing social conflict and in maintaining a proper balance between liberty and order.

SANCTIONS

A. Constitutional Issues and Legal Sanctions

48. ALLEN, R. J. Police and Substantive Rulemaking -- Reconciling Principle and Expediency. University of Pennsylvania Law Review, v. 125, n. 1: 62 - 118. November 1976. (NCJ 38687)

This article is a critical analysis of the wisdom of using administrative rulemaking to delimit selective enforcement of the substantive criminal law in light of the "myth of full enforcement." Full enforcement statutes and the policies of separation and delegation of powers are analyzed in order to conceptually locate the police in relation to other principal decisionmakers in the criminal law process. The relationship of the nearly unanimous rejection of the civil law doctrine of desuetude to the doctrine of separation of powers, and what that rejection suggests about the relationship of our legislatures to the police, are also addressed. In addition, the implications of "administrative crimes" for the separation of powers and delegation theories are examined in the context of police rulemaking. The underlying policies of the separation of power doctrine that relate to substantive rulemaking are then discussed in an attempt to determine whether those policies should be abandoned to the extent that substantive rulemaking would require. The author unequivocally rejects the suggestion that the police should engage in rulemaking that directly affects the scope of the substantive criminal law. Whether the structure of the law permits the police to exercise this kind of authority is also questioned. It is concluded that it would not be wise to accord the police this power, even if it were permissible to do so. It is suggested that by exercising control over the "discretion of deployment," a jurisdiction could greatly curtail the scope of a police department's discretionary authority.

49. COX, M. P. Discretion -- A Twentieth-Century Mutation. Oklahoma Law Review, v. 28, n. 2: 311-332. Spring 1975. (NCJ 27755)

The exercise of discretionary power by the police and prosecutors is examined. It is suggested that openly declared and evenly applied discretionary policies are preferable to "ad hoc" decisions made by individuals. The growth of discretionary practices in the United States is discussed, and problems associated with these practices are examined. The fact that laws are not being fully enforced and that the criminal process may depend to a large extent on the idiosyncracies of individuals and agencies is seen as a disturbing result of widespread exercise of discretionary powers. The issues of police discretion and prosecutorial discretion are examined, with an emphasis on the problem of plea bargaining. Judicial review of prosecutorial and police discretion has not been effective in solving the problem of selective enforcement of the law. The ethical and moral issues related to discretion as a jurisprudential question are explored, and the problems of equality and equity before the law are discussed. It

is concluded that inadequate resources and laws that do not reflect contemporary morality have forced law enforcement officials and agencies to usurp authority and to decide which offenses to enforce and against whom. The author feels that, as long as discretion on nonequity grounds exists, it would be better to adopt nonenforcement policies at the policy level in open proceedings rather than to allow individuals at the "working level" to apply "ad hoc" enforcement policies.

50. DAVIS, K. C. Approach to Legal Control of the Police. Texas Law Review, v. 52, n. 4: 703-725. April 1974. (NCJ 15505)

The author's main thesis is that police practices should no longer be exempt from the kind of judicial review that is usual for other administrative agencies. He suggests that the exclusionary rule be supplemented by two other tools for judicial control of police -- judicially required police rulemaking and governmental tort liability for police abuses. Discussed are the relation of police rules to Supreme Court rules and their effect on selective enforcement, and semilegal practices. The author also points to the failure of the present system of police liability to award damages to injured persons. He recommends that suits for torts of city policemen should be against the city and not against the officer, since the officer is sometimes judgment-proof. Such government liability would necessitate the abolition of sovereign immunity for State and local governments. The interrelationship of required police rulemaking and governmental liability for police torts with other legal controls on the police (the exclusionary rule, an ombudsman system, and review boards) is also explored.

51. HIRSCHEL, J. D. Searching for Reasonable Protection of Fourth Amendment Rights -- The Exclusionary Rule and Its Alternatives. Police Research Bulletin, n. 29: 19-25. Summer 1977. (NCJ 42775)

Police, prosecution, and defense perceptions of fourth amendment implementation are examined and points of conflict isolated. A procedure to insure fourth amendment rights without unreasonably impeding police is offered in this doctoral dissertation. Detailed questionnaires were completed by samples of police, prosecution, and defense officials in two areas of a large Northeastern State, measuring their perceptions of the meaning and application of the search and seizure aspects of the fourth amendment. Subjects raised in the questionnaire included standards for determining the difference between reasonable and unreasonable search and seizure, compensatory and disciplinary use of the exclusionary rule by courts, views on unproductive police searches and warrantless search and seizure situations, and opinions

on specific modifications of and alternatives to the exclusionary rule. Police and prosecution personnel preferred an application of the fourth amendment that would not put severe restrictions on evidence gathering, whereas defense personnel urged the protection of a citizen's rights. All viewed the courts as generally favoring a suspect's rights in questionable situations. Those sampled favored retaining the exclusionary rule as a norm for court rulings. While preferring limitations on its disciplinary application, the author recommends instituting well-defined administrative procedures for police in search and seizure situations and clear limitations on court application of the exclusionary rule, while providing for compensatory civil action or criminal prosecution in cases of severe violations of fourth amendment rights.

52. INBAU, F. E., J. R. THOMPSON, and J. B. ZAGEL. Criminal Law and Its Administration. Mineola, New York, Foundation Press, 1974. 1118 p. (NCJ 18614)

This textbook, designed for college level instruction in law enforcement, discusses criminal law in relation to such topics as constitutional limitations, arrests, searches, criminal offenses, and jurisdiction. This work uses a casebook method of instruction, rather than a textual treatment. In addition to selected sets of appellate court opinions, including those of the Supreme Court of the United States, this text contains some introductory textual and note materials related to the main case reports. Also included is a reproduction of those portions of the Constitution of the United States and its amendments which are relevant to the general problems regarding the law of crimes and the procedures by which that law is to be enforced. Other topics covered in the text include an outline of criminal procedure, entrapment, incompleted criminal conduct and criminal combinations, the exclusionary rule and its alternatives, identification procedures, interrogations and confessions, and prosecutorial discretion.

53. KADISH, M. R. and S. K. KADISH. Discretion to Obey -- A Study of Lawful Departures From Legal Rules. Stanford, California, Stanford University Press, 1973. 251 p. (NCJ 13414)

This book explores how a legal system may provide for justified departures from the rules -- acts that violate the law but are nonetheless sanctioned by the system. The justified rule departures of citizens and officials are analyzed in detail; e.g., a policeman's decision not to arrest an offender, a citizen's deliberate violation of the law to create a test case, a jury's departure from the court's instructions in reaching a verdict. The book covers the philosophical and legal basis for justifying such acts, their function in the American legal

system and to some extent in other legal systems, and their accomodation in different models of a legal system. Implications for the legal obligations of the individual, and the consequences of lawful departures from the concept of a legal system are also discussed. In addressing discretion, the authors note that the existence of such discretion is a threat to basic values implicit in notions of due process of law. Although polar alternatives to discretion may be undesirable or illusory, criminal law enforcement can be improved substantially by the imposition of legal procedures and standards upon the exercise of discretion.

54. KADISH, S. Legal Norm and Discretion in the Police and Sentencing Processes. In Harvard Law Review Association, Criminal Law -- Essays on Criminal Law Selected From the Pages of the Harvard Law Review, 1972. Cambridge, Massachusetts, 1972. 28 p. (NCJ 10683)

This essay examines representative occasions in which administration of the criminal law involves exercises of official discretion which are extrajudicial. The existence of such discretion is a threat to basic values implicit in notions of due process of law. Although polar alternatives to discretion may be undesirable or illusory, criminal law enforcement can be improved substantially by the imposition of legal procedures and standards upon the exercise of discretion.

55. McCREEDY, K.R. and J.L. HAGUE. Administrative and Legal Aspects of a Policy to Limit the Use of Firearms by Police Officers. Police Chief, v. 42, n. 1: 48-52. January 1975. (NCJ 26136)

This article examines laws relating to the use of deadly force and influences that groups such as the police, courts, and city government may have on firearms policy decisions. A restrictive policy is recommended. Before investigating the conditions under which policy decisions concerning firearms use are made, the available policy alternatives are reviewed; these range from full discretion of the armed officer to refusal to allow officers to carry firearms. There are several groups who may play a part in policy decisionmaking -- the police chief, the police officers, the local government, the courts, and public interest groups. The possible influence of each of these groups is described. The author recommends a policy which severely limits the use of discretion but which also recognizes that exceptions are possible. Such a policy, the author argues, would give officers absolute guidelines to follow and would also assure them of administrative support if they were within that policy.

56. McGOWAN, C. Rule-Making and the Police. Michigan Law Review, v. 70, n. 4: 659-694. March 1972. (NCJ 04883)

A Federal judge discusses the possibility of the police formulating the procedural rules of law enforcement operations in place of the present exclusionary rule. External formulation of rules for police conduct suffers from two principal limitations -- the absence of direct police involvement in the process and the question of appropriate sanctions to assure their enforcement. The proposed alternative to the exclusionary rule would result in greater participation by the police in the making of rules for their own guidance and greater reliance upon the police for the internal enforcement of such rules. It is contemplated that the police have a larger share in devising the rules for their own conduct in the first instance, with ultimate amenability to the commands of constitution and statute as interpreted and enforced by the courts in a reviewing stance.

57. MISNER, R. L. Arrestees as Informants -- A Thirteenth Amendment Analysis. Stanford Law Review, v. 29, n. 4: 713-746. April 1977. (NCJ 43223)

The legality of diverting arrestees as informants is examined from the standpoint of the 13th amendment, which prohibits slavery and involuntary servitude. The abuse of discretion among police is also covered. The practice of diverting arrestees as informants gives them the opportunity to bypass the criminal justice system in return for their agreement to do undercover work for the police. Little or no systematic check is made on the official's exercise of discretion to divert the arrestee, and often the "recruitment" of informants suggests abuse of discretion or coercion. Under a 13th amendment analysis, particular abuses can be identified and judged by applying fixed legal standards. The analysis also addresses the underlying abuse present when arrestees are held in involuntary servitude enforced with threats of prosecution and possible incarceration. A historical overview of the 13th amendment and the legislation passed by Congress to implement it are discussed in Part I of this article. Part II presents the elements of a prima facie case of peonage, ascertained from case law. These elements are applied to the practice of diverting arrestees as informants. In Part III, potential remedies are discussed, as well as the implications of this 13th amendment analysis for the contemporary practices of pretrial diversion, the use of informants, and plea bargaining. It is concluded that diversion practices which allow an arrestee to avoid prosecution by becoming an informant are of small benefit to the arrestee and society; an undercover informant in narcotics is often subjected to physical danger and may be tempted by further exposure to drugs. Furthermore, this practice is viewed as an abuse of executive discretion that "fosters a system of peonage oppressive to the arrestee." The peonage analysis outlines a limitation on the general practice of pretrial diversion and the particular diversion practice involving

arrestees as informants. A serious look at societal interest of freedom from peonage and the law enforcement interest of convenience is urged.

58. PEPINSKY, H. E. Generation of Discretion by Specification of the Criminal Law. International Journal of Criminology and Penology, v. 3, n. 2: 111-121. May 1975. (NCJ 26993)

The author expounds the thesis that not only do areas of discretion increase with specification of the terms of the law, but increased variation in the application of the law can be expected to result. The author thus refutes the theory that specification of the law can reduce uncertainty in the law's application. The more a legislator specifies the terms of the law to an administrator, it is suggested, the less predictable the administration of the law will become. Conversely, administration of a law will be more routine and predictable the more vague and general the terms of the law are. Citing secondary sources, the Aristotelian principle of logic, and principles in the philosophy of language, the author demonstrates that the attempt to close an area of discretion of the law by specification creates a new area of discretion. Discretionary contingencies provided by the terms of the substantive law increase geometrically with every substantive legal specification of conduct. Further, specification of the terms of procedural law also generates areas of discretion. Implications of the proposition that the number of areas of discretion increases geometrically as provisions of the body of the criminal law are further specified are discussed. The author notes that specification of the law does not tend to determine what the administrators do, but presents them with optional courses of action. It is suggested, however, that legal specifications may still be used to engineer changes in the administration of criminal justice.

59. ROBITCHER, J. Statutes, Law Enforcement, and the Judicial Process. In Resnik, H. L. P. and Marvin E. Wolfgang, Eds., Sexual Behaviors -- Social, Clinical, and Legal Aspects. Boston, Little Brown, 1972. 20 p. (NCJ 32114)

The effectiveness, propriety, and reform of statutes dealing with sexual offenses are discussed. Social mores do not necessarily mandate statute changes, states the author; the changes come about through selective enforcement of the laws. The problems inherent in selective enforcement are discussed in the light of other sets of problems that arise when laws are partially modified and when a "treatment mode" is the prevalent philosophy.

60. ROSETT, A. Discretion, Severity and Legality in Criminal Justice. Southern California Law Review, v. 46, n. 1: 12-50. December 1972. (NCJ 14557)

This article discusses the necessity for and consequences of the practice of nonformalized decisionmaking by police, courts, prosecutors, and parole agencies. Many decisions in the criminal justice system are discretionary in the sense that the official has the unfettered choice whether to act, and often how to act, in a given case. This free choice may arise from the explicit delegation of legal authority to the official, the absence of a rule prohibiting his acting, or the assertion of official power to act despite a governing rule. The prevalence of discretion is closely related to the overextension of the criminal sanction in terms of the kinds of cases handled and the severity with which condemned individuals are treated. Discretion tends to be found at points of overambition, where the disparity between public expectations and official capacity is most notable.

61. VANAGUNAS, S. Toward Checks and Balances of Police Authority. Milwaukee, Marquette University Law School, 1974. 10 p. (NCJ 14557)

This paper offers a model for the criteria, structure, and formal procedure whereby police discretionary power can be defined and controlled within the forms of a municipal government. The criteria for any scheme to impose additional external controls and police authority include the use of governmental offices and branches from which police agencies perceive that their authority is derived. Further, this authority should be used in such a way as to support and reinforce the system of internal discipline already existing in the police agency. These are two of the main premises upon which is based the recommended model for checking and balancing police authority. It is suggested that a municipal legislature specify in detail behavioral violations of the criminal code and continually review the extent to which police arrest practices conform to legislative intent. It is further recommended that a municipal judicial office be established to provide a forum for citizen complaints against the police. Police agency self-control is deemed basic to any successful effort at proper use of discretionary power.

SANCTIONS

B. Policies and Procedures

62. ALPRIN, G. M. D.C.'s Case Review Section Studies the No-Paper Phenomenon. Police Chief, v. 60, n. 4: 36-41. April 1973. (NCJ 09761)

This article discusses the goals, organization, and functions of a special police unit which collects information and statistics on cases that Federal Attorneys have decided not to prosecute. The case review section of the Washington Metropolitan Police Department discovered several areas in which cases were not being prosecuted as a result of inadequate or improper police preparation or performance. The commanding officers of policemen responsible for such cases were contacted to ensure that remedial counseling and instruction would be instigated. Members of the case review section trained recruits and regular members of the police department in specific problem areas. When policemen believed that a decision not to prosecute was improper, the case review section discussed the merits of the case with the U.S. Attorney's Office for possible reconsideration of prosecution. Substantial information has been collected on the major factors which contribute to the high rate of "no-paper" cases in the District of Columbia, and this special unit plans to expand its operations in the future.

63. ARNOLD, T. Law Enforcement. In Cole, G. F., Ed., Criminal Justice -- Law and Politics. Belmont, California, Wadsworth Publishing Company, 1972. 11 p. (NCJ 25796)

The ideal of law enforcement in which every law is enforced impartially is in contrast to the concept of a code of personal honor above the law. The author asserts that while we piously deny the existence of personal discretion in our law enforcement machinery, it is impossible to do without it. Examples cited to back up this argument include the case of Al Capone, who was prosecuted successfully for income tax evasion, when in reality the prosecution was concerned with other violations which could not be proved; and the presence of psychiatrists in insanity defenses, whom the author asserts are there solely to introduce mitigating circumstances and ordinarily inadmissible evidence into the case. The example of politicians drinking in private but voting for prohibition is also used.

64. ARONS, S. Rise of Police Logic. In MacNamara, D. E. J., Ed., Readings in Criminal Justice 77/78 -- Annual Editions, 1977. Guilford, Connecticut, Dushkin Publishing Group, Inc., 1977. 3 p. (NCJ 38447)

The author examines the implications in three U.S. Supreme Court decisions which, he contends, have sharply restricted constitutional guarantees of personal privacy and expanded police powers of search and seizure. The Supreme Court decisions in U.S. v. Robinson, Gustafson v. Florida, and U.S. v. Calandra are examined. The author argues that in these decisions the Supreme Court has adopted "police logic" -- a

form of thinking which holds that crime detection is society's ultimate value and overriding priority. He maintains that the rise of police logic means that American anxiety regarding violent crime has been transformed into support for police practices contradicting the constitution and holding a minimal possibility for reducing crime. After reviewing the provisions and implications of these three cases, the author concludes that a deference to police discretion is becoming characteristic of the Supreme Court. He calls on the American public to reverse this trend while it can still be done.

65. BERGER, M. Police Field Citations in New Haven. Wisconsin Law Review, n. 2: 382-417. 1972. (NCJ 05116)

Field release of criminal suspects in misdemeanor cases initiated by police lends flexibility to the pretrial criminal process. The goals for this New Haven program were the reduction of negative consequences to suspects stemming from arrest and detention, the reduction of the inefficiency involved in transporting every defender to a police detention facility, and the improvement of police-community relations. The Field Release Citation Program was designed to supplement station house release procedures. During the 12-month evaluation period in New Haven, most arrests were still made using the traditional process. Standards were provided to guide the decision of whether to issue a citation, but the program relied heavily on police discretion. The program was evaluated as both workable and effective in easing police-community tension. The appendix includes the general order for the Department of Public Service, which outlines the misdemeanor citation arrest procedure.

66. CARTER, L. H. Flexibility and Uniformity in Criminal Justice. In Gardiner, J. A. and M. A. Mulkey, Eds., Crime and Criminal Justice. Lexington, Massachusetts, D.C. Heath and Company, 1975. 9 p. (NCJ 37756)

In this analysis of the value conflicts arising from the twin police goals of flexibility and uniformity, the author looks at the way the goals are applied by criminal justice agencies and suggests that the conflict will continue. The author first examines the degree of flexibility and discretion permitted in police and court activities under existing laws and finds that the bulk of criminal justice decision-making falls in the zone of legally conferred discretion. The question of whether or not these discretionary decisions reliably promote policy goals is then examined. It is found that the exercise of discretion is not conducted to promote system goals but is instead conducted on the basis of personal values. In spite of this, the author notes that it may not be advisable to seek rules to make decisionmaking more uniform for the following reasons: the biases in criminal justice decision-making may actually reflect society's values, the present laws and

consequences of illegal behavior are widely known and therefore do not violate the "morality of law," and criminal justice agencies may possess characteristics that doom attempts to predetermine decisions by rules.

67. DOZA, R. and G. HUNTINGTON. Sexual Deviancy and Law Enforcement. St. Louis, Washington University, 1970. 3 p. (NCJ 08490)

This paper presents an overview of various sexual offenses, a brief discussion of homosexuality, and considerations in the formation of policies regarding law enforcement priorities. Sex offenses such as incest, voyeurism, masochism, transvestism, and sex-associated crimes including prostitution, pornography, and abortion are discussed. Homosexuality is viewed historically, in terms of the British experience and with regard to four current schools of thought as to its legality. Guidelines for establishing policies regarding the enforcement of laws on sexual deviancy are given. The appendix consists of an outline of a modus operandi system for investigating sexual offenses. A bibliography is included.

68. EDELSON, T. Rights and Wrongs of Selective Law Enforcement. In Viano, Emilio C. and Jeffrey H. Reiman, Eds., Police in Society. Lexington, Massachusetts, Heath Lexington Books, 1975. 8 p. (NCJ 29470)

Due to the discretion enjoyed by the police in the selective enforcement of the law, ultimate control of police activities should rest with the elected representatives of the people. Limited resources force police to be selective in choosing which laws to enforce most strictly. The author suggests several formulas for determining which areas of law enforcement should be given precedence. Legalistic, moralistic, instrumental, and probabilistic approaches are examined, as well as variations and modifications of them. Reasonable objections are suggested to strict adherence to any formula, so that settlement of the enforcement question is ultimately seen to be a political issue. Only elected representatives can determine if police law enforcement procedures reflect the needs and will of the people. Such control would best be indirect and delayed, as in the electorate's control of the courts. This ensures that police practices may remain steady, predictable, and reliable, rather than varying as rapidly as public opinion.

69. ERICSON, R. V. Police Bureaucracy and Decision-Making -- The Function of Discretion in Maintaining the Police System. In Goldsmith, J. and S. S. Goldsmith, Eds., Police Community -- Dimensions of an Occupational Subculture. Pacific Palisades, California, Palisades Publishers, 1974. 14 p. (NCJ 29347)

This article examines organizational needs in an effort to understand police discretionary action. Police discretionary activities are discussed from five perspectives: the social environment, lines of authority and communication, informal relations, continuity of policy, and homogeneity of the organization. Because of the diversity of factions within any community, the police must maintain order while placating various factions. The creation of a Civilian Review Board is one means of reestablishing the legitimacy of police authority. Another alternative is the institution of internal control procedures. Because almost all supervisory officers were once "beat policemen," they have an intimate knowledge and empathy with their subordinates: thus they tend to depend on largely informal controls of discretionary power. Maintaining lines of communication to other community organizations is one way of obtaining a continual supply of information that does not tax police manpower. The informal relations between officers who work together are dependent on several factors, among them being silence outside of the working partners. Occasionally, the social relationships are upset when university-trained personnel are recruited and promoted faster than officers without higher education. The accumulated experiences of the patrolman are the unofficial source of policy continuity; in other words, when there is a policy void, low-ranking patrolmen devise their own informal norms. The author recommends that effective socialization of new members is best achieved on an informal level. The problem of creating subunits is described in terms of possible divergence from organizational goals and stability.

70. GOLDSTEIN, H. Police Discretion -- The Ideal versus the Real. In Skolnick, Jerome H. and Thomas C. Gray, Eds., Police in America. Boston, Little Brown, 1975. 11 p. (NCJ 19822)

The nature of and need for police discretion is reviewed, and a policy of open acknowledgement of police discretion by police administrators is urged. The laws under which police operate, police procedures, and some of the pressures which exist in the typical community which the police serve are explored to determine the reasons for police discretion. The reasons for the lack of acknowledgement of police discretion by police administrators are then discussed. Among these are fear of adverse public reaction, fear of increased police corruption, and legal obligations to enforce all laws. The author contends, however, that acknowledging the exercise of discretion would reduce the public's unreasonable expectations of the police, increase professionalism of police, and increase public respect for the law.

71. _____. Police Policy Formulation -- A Proposal for Improving Police Performance. In Sweeney, T. J. and W. Ellingsworth, Eds., Issues in Police Patrol -- A Book of Readings. Kansas City, Missouri, Kansas City Police Department, 1973. 24 p. (NCJ 35818)

The author argues that police administrators must articulate adequate policy guidelines to provide the individual officer with more detailed guidance in exercising discretion. In light of the diversity of the police function and the absence of legislative guidelines in many areas, the author believes that the vast discretion afforded the individual officer should be acknowledged and that administrative guidelines for the use of that discretion should be publicly articulated despite the existence of informal standards within police departments. The author recognizes that there is a risk factor inherent in the exercise of police discretion. The risk is the threat of public opprobrium if the policeman's use of discretion, say in enforcing laws selectively, backfires. This can be largely avoided by putting the community on notice by disseminating police policy.

72. GROSS, S. Bureaucracy and Decision Making -- Viewed from a Patrol Precinct Level. Police Chief, v. 42, n. 1: 59-64. January 1975. (NCJ 26138)

The characteristics of the police bureaucracy and the effects of this bureaucracy on the police officer's role and attitudes are reviewed, and recommendations for improving police accountability and operations are given. The author states that bureaucracy is characterized by a hierarchical arrangement of offices, rules for uniformity, and impersonality of relationships. In the police organization, bureaucracy takes the form of military concepts of lines of authority, unity of command, division of work, and specialization of function. Among the effects of police bureaucracy noted by the author are overwhelming amounts of paperwork, a decrease in effective management-line officer communication, indecision as to the proper role and actions of police, nonenforcement of certain laws due to indecision of the officer, the rise of corruption, establishment of informal centers of power which can be used to overcome bureaucratic entanglements, and isolation of the police as a group from the rest of society. The author describes how each of these conditions has been caused by the police bureaucratic structure. Several recommendations for improvement of police operations are then made; these include increased police education, increased inservice training, use of police legal advisors, use of the neighborhood team concept in policing, and increased community input into police operations.

73. GROSMAN, B. Police Command -- Decisions and Discretion. Toronto, Canada, 1975. 154 p. (NCJ 28184)

This book explores the quality of police leadership and the decision-making role of the chiefs of police in Canada. The author's analysis is based on participation in actual police patrol work and on intensive interviews with police chiefs and senior municipal police officers across Canada, particularly in the cities of Vancouver, Edmonton, Regina, Winnipeg, and Toronto. Interviews were also conducted with chiefs in San Francisco, Berkeley, and Oakland for comparative purposes. The relationship between the chief and the level of law enforcement is examined, along with the means by which chiefs acquire and use power. In that same vein, the book looks at constraints in a chief's power and his ability to lead and to set policy, such as those imposed by the organizational structure and police associations. The author comments on the administration of police organizations and the police chief's role in law enforcement decisionmaking and community planning.

74. INTERNATIONAL ASSOCIATION OF CHIEFS OF POLICE. Texas -- Model Rules for Law Enforcement Officers -- A Manual on Police Discretion. Gaithersburg, Maryland, 1974. 297 p. (NCJ 13963)

This manual presents model administrative rules and procedures governing a variety of sensitive and complex areas of police activity, established in an effort to eliminate discriminatory enforcement of the law. Rules governing several areas in which police discretion may be employed are first listed. These same rules are reviewed in the second section, and each is followed by specific commentaries. The situations discussed in this manual include domestic disturbances, misdemeanor field release by citation, the use of force, fresh pursuit, rules for arrest without a warrant, warrantless search and seizure, execution of arrest warrants, execution of search warrants, and stop-and-frisk incidents.

75. KOROLOFF, J., A. GERARDO, and D. BRAND. Control and Prevention of Juvenile Delinquency by Local Law Enforcement Agencies -- An Alternative Method. Portland, Oregon, Multnomah County Division of Public Safety, 1974. 23 p. MICROFICHE (NCJ 25947)

This paper is a proposal for increased police juvenile delinquency prevention efforts, increased police utilization of diversionary programs, and greater development of community resources for delinquency treatment. This proposal, outlined by the Multnomah County Division of Public Safety, is aimed at the interaction of police with children, the court, youth-serving agencies, and the community at large. This document details the results of a needs analysis, lists long and short range goals of this police effort, discusses the concept of juvenile diversion as

a method of reducing delinquent behavior, and outlines the philosophy behind this proposal. Among the features of this proposal are police training in delinquency causation and child development, police advocacy for the needs and rights of children, development of community resources which police can use for referrals, referrals to juvenile court for major violations only, and identification of community problems and needs to aid development of community resources.

76. PARSONS, J. C. Candid Analysis of Police Corruption. Police Chief, v. 39, n. 3: 20-22, 67. March 1973. (NCJ 09187)

This article presents guidelines for a planned program of improvement, including improved personnel selection techniques, policy guidelines formation, and more control over discretionary decisions.

77. PERRY, D. C. and P. A. SARNOFF. Politics at the Street Level -- The Select Case of Police Administration and the Community. Beverly Hills, California, Sage Publications, Inc., 1973. 39 p. Series No. 03-008. (NCJ 18073)

Street-level law enforcement officals are not considered significant parts of the decisionmaking administration, although the very nature of their jobs necessitates personal, if not administrative, discretion. The authors point out that the beat patrolman, although treated as a nonadministrator, is constantly called upon to make decisions in the course of everyday work. However, the police administation, in attempts to avoid any and all criticism relating to police discrimination and/or misconduct, subjects the street-level policeman to structural attempts to remove or discourage positive personal discretion. These efforts include such institutions as police advisory, internal inspection, and civilian review boards. The findings of a study of police behavior in the city of Rochester (New York) are discussed. A list of references is included.

78. SIEGEL, L. J., J. R. GREENE, and D. C. SULLIVAN. Decision Games Applied to Police Decision Making -- An Exploratory Study of Information Usage. Journal of Criminal Justice, v. 2, n. 2: 131-146. Summer 1974. (NCJ 16832)

This article examines the nature of the decisionmaking process of police in an arrest-nonarrest situation and concludes that police use varying amounts and types of information to arrive at the same decision. A variety of information possibilities were provided to a sample of police as they made arrest-nonarrest decisions in simulated encounters

with citizens. In selecting information for decisionmaking, the nature of the offense was considered most frequently. The attitude of the offender was also an important determinant of the decision, and the offenders' attitude then influenced the amount and type of information subsequently used. It is suggested that police training involve a more intensive analysis of the dynamics of decisionmaking.

79. SLAVIN, J. M. Role of Traffic Law Enforcement in Traffic Accident Prevention. In Chapman, Samuel G., Ed., Police Patrol Readings, 2d Ed. Springfield, Illinois, Charles C. Thomas, 1970. 9 p. (NCJ 15192)

This paper presents an argument for a more consistent enforcement of traffic laws with the intent of stimulating a deterrent to unlawful behavior by potential violators. It is argued that the loss of life, injury, and property damage due to traffic violations should dictate strong measures of enforcement and prevention in this controversial area of policing. The recommended enforcement policy specifies that police action be taken upon the detection of the commission of an illegal and potentially hazardous act, without regard for the absence of real hazards or the attitude, intent, or excuse of the violator. The use of a mixture of marked and unmarked police vehicles is suggested as a means of improving the image of police omnipresence. The enforcement process is described including detection, apprehension, prosecution, adjudication, and penalization. It is argued that ineffectiveness at any point of the enforcement process undermines deterrence as the public may become indifferent toward the consequences of violations.

80. STEER, D. Police Cautions -- A Study in the Exercise of Police Discretion. Oxford, England, Basil Blackwell, 1970. 64 p. (NCJ 17013)

This paper discusses the results of an empirical study on the use of police cautioning in England as a means of dealing with adult indictable offenders. An alternative to proceedings in court, formal cautioning of offenders takes the form of a verbal caution at a police station for indictable offenses and a caution sent in the form of a letter from the chief constable for nonindictable offenses. This study was attempted to show the precise circumstances under which offenders are cautioned. A sample of 317 adult male offenders (aged 17 years or over), cautioned for indictable offenses during the years 1965-67, was drawn from the records of 5 English police forces. Examined are the reasons given for cautioning in an individual case, the level at which the decision to caution had been taken, and the instances in which police had disagreed about the most appropriate course of action in a particular case. The principal reasons given for cautioning were as follows: the complainant declined to prosecute, the victim was a voluntary participant, insufficient evidence, and the offender's circumstances. It was found that

the officer who dealt with the case was the first to suggest a caution. In only a small minority of cases did there seem to have been any disagreement among police officers as to the most appropriate course of action. A selected bibliography is included.

81. U.S. DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE. National Institute of Mental Health. National Clearinghouse for Mental Health Information. Functions of the Police in Modern Society. By F. Bittner. Washington, U.S. Government Printing Office, 1970. 122 p. (NCJ 00464)

This analysis of the basic character of police work relates it to the courts and community. The impact that police organization exerts on the policeman's functioning by looking at how departments are structured, their position in the framework of city government, and their independences are considered. The military aspects of the police, their esprit de corps and code of secrecy, and their capacity to use force are reviewed. The report also considers the future of police work. The problems of upgrading practice, streamlining organization, and improving recruitment and training of police are given specific attention. Suggestions are made on the police use of force, and new models of police practice are projected.

82. U.S. DEPARTMENT OF JUSTICE. Law Enforcement Assistance Administration. Institutional and Policy Discretion. By J. D. Caldwell and L. J. Flynn. Santa Barbara, California, Public Safety Systems, Inc., 1973. 155 p. (NCJ 09920)

This report discusses the nature, variety, and extent of discretionary justice as it operates with respect to burglary in Ventura County, California. In addition to an analysis of existing statistical data, a series of six questionnaire formats were used in surveying police management, police personnel, district attorney deputies, public defender deputies, municipal court judges, and superior court judges. From the questionnaire responses, an analysis was made of many of the decision points involved in processing burglary offenders, focusing on the criteria used in making decisions, the reasons for the prevalence of certain choices, and the advantages and disadvantages of various procedures. The survey revealed that the current exercise of discretion in dealing with burglary cases amounts to what can be termed a "nonpolicy." The only distinguishing characteristic of burglary processing seems to be the great extent to which each case is decided individually rather than in accordance with any clear-cut and well-articulated policy. There is widespread dissatisfaction with many aspects of current discretionary decisionmaking. Each agency in the processing sequence particularly criticizes the agency following it in the processing. In addition, nearly all respondents, from all agencies, felt that the judiciary was too lenient in general in dealing with burglars. The judiciary in turn expressed significant

reservations about the extent to which precourt discretionary decision-making has preempted the judge's sentencing function. Nearly all respondents had suggestions for improving the processing of burglary offenders, many of which involved tightening up on the extent of discretion at various points through specific guidelines or files. The effort outlines several specific recommendations derived from an analysis of the study. Appended material includes tables of data and copies of the questionnaires that were used in the survey.

83. _____. Law Enforcement Assistance Administration. National Institute of Law Enforcement and Criminal Justice. Dialectics of Police Reform -- A Case Study of Planned Change in the New York City Police Department. By T. J. Dimieri. Washington, 1976. 500 p. (NCJ 34381)

This thesis analyzes the rationale, implementation, and impact of the New York City Neighborhood Police Team (NPT) program in order to determine the effects of administrative reform on police attitudes and behavior. The NPT program was an experiment which altered the administrative structure in local police precincts in an effort to improve police performance, police-community relations, and police morale. The data for this analysis are drawn from fieldwork which comprised participant observation and interviewing of police planners, trainers, and field officers over a 2-4 year period, and a survey of police officers in 4 NPT precincts and matching non-NPT precincts 18 months after implementation of NPT. General discussions of the environmental features of policing, the police role in contemporary urban society, and the organizational characteristics of police work are provided. The author then examines the implementation of team policing in New York City and outlines the research methodology. Despite limitations in the development of NPT in New York, it was found that three of the four NPT precincts studied showed significicant changes on three dimensions of administrative structure. NPT precincts exhibited increased officer discretion, flexibility of regulations, and recognition of performance. It was found that as regulations became more flexible and as recognition and discretion increased, there was an increase in officer job involvement, a more critical attitude toward fellow officers, and a favorable disposition to police innovation. The program had litle impact on changing the exchange of information among officers or their recognition of a service role ideal. It is concluded that while implementation and impact of NPT were uneven, NPT objectives were in large part realized.

84. _____. Law Enforcement Assistance Administration. National Institute of Law Enforcement and Criminal Justice. Guidelines for Taking Police Disciplinary Action -- Supervisor's Handbook. Gaithersburg, Maryland International Association of Chiefs of Police, 1976. 21 p.
MICROFICHE (NCJ 37585)

This booklet, appropriate for inservice training of experienced supervisors as well as training for newly promoted sergeants, offers suggestions for improving supervisory techniques. The topics covered are the causes and symptoms of employee misconduct, encouraging good employee work habits, identifying and investigating employee misconduct, and taking disciplinary action. For related documents on this subject, see NCJ 37584 and 37586.

85. _____. Law Enforcement Assistance Administration. National Institute of Law Enforcement and Criminal Justice. Managing for Effective Police Discipline -- A Manual of Rules, Procedures, Supportive Law and Effective Management. Gaithersburg, Maryland, International Association of Chiefs of Police, 1976. 416 p. (NCJ 37584)

This manual is designed to give insights into the determinants of effective discipline management and to provide practitioners with recommendations for improving and understanding their disciplinary practices. It first explores the sources of the traditional view of discipline as a management technique to control employee behavior and discusses the usefulness of tools for effective discipline. Subsequent chapters develop the idea that the process is similar for the handling of all major disciplinary cases; deal with the effects of the personalities, skills, motives, and roles of people involved in the management of discipline; and present a compact, practical outline of the operational factors which bear most directly on the effectiveness of discipline. These narrative discussions are then translated into prototypes establishing rules of conduct and disciplinary procedures designed to promote effective management control of officer behavior and to provide officers with a degree of personal freedom appropriate to contemporary conditions. The prototypes are written in the format of some departmental general orders. Following each, however, is a commentary which explains the policy considerations and legal principles underlying the section and illustrates its application. Appended materials include a description of the study methodology, an indexed 80-page annotated bibliography of selected cases on police discipline, a copy of the field survey instruments, and a table of cases.

86. _____. Law Enforcement Assistance Administration. National Institute of Law Enforcement and Criminal Justice. Managing for Effective Discipline -- A Project to Develop Prototype Rules of Conduct and Disciplinary Procedures for Law Enforcement -- Final Project Report. Gaithersburg, Maryland, International Association of Chiefs of Police, 1975. 400 p. (NCJ 35592)

This document discusses the general practical implications of this analysis of police discipline from the administrative, government official, community group, officer attitude, and legal perspectives. Chapter I explores the sources of the traditional view of discipline as a management technique to control employee behavior. It discusses the negative character of discipline and the view that discipline is a single isolated management function. It also contrasts the military model of management and discipline with a more adaptive organizational approach. Chapter II discusses the usefulness of tools for effective discipline. A few examples are written directives delineating management expectations, assignments of authority and accountability, units for inspection and control, and goals and objectives for internal discipline as a management technique to control employee behavior. Chapter III develops the idea that in the handling of disciplinary cases, the process is similar for all major cases. Often as many as 10 elements are included, such as conduct of investigations, imposition of sanctions, and appeals. Chapter IV deals with the effects of the personalities, skills, motives, and roles of people involved in the management of discipline. Participating, monitoring, recognizing expectations, and coping with conflicts among values and roles are some of the topics covered in this chapter. Chapter V compiles key ideas from the three previous chapters, with page references. Statements selected and grouped in Chapter V present a compact, practical outline for persons who are considering organizational changes. Chapter VI is a prototype document containing rules of conduct and disciplinary procedures for police organizations. A 38-page executive summary is available as NCJ 35910.

87. U.S. DEPARTMENT OF TRANSPORTATION. National Highway Traffic Safety Administration. Selective Traffic Law Enforcement Manual. Gaithersburg, Maryland, International Association of Chiefs of Police, 1972. 197 p. MICROFICHE (NCJ 14767)

This volume presents procedures for determining allocation of personnel according to need with reference to time, place, and type of violation, together with proposed standards for prevention and control of certain offenses. The methods for collecting and analyzing traffic accident data in order to determine patterns of time and place are presented. The training and technical implementation necessary for selective enforcement is treated. Sample demonstration programs for enforcing laws regarding driving while intoxicated and violation survey procedure are included. Safety program standards are offered for the following areas:

motor vehicle inspection and registration, motorcycle safety, driver education and licensing, codes and laws, traffic courts, alcohol and highway safety, identification and surveillance of accident locations, traffic records, emergency medical services, highway design, traffic control devices, pedestrian safety, police traffic services, and debris hazard control and cleanup. Sample forms for data collection are included in the appendix.

88. WILEMAN, F. A. Model Policy Manual for Police Agencies. Madison, Wisconsin, University of Wisconsin, 1976. 406 p. (NCJ 42384)

Used with a companion text, "Policy Development in Police Agencies," this manual is intended as a guide for police agencies engaged in policy development. The manual is organized under the general subject of policing, which is divided into eight major areas that form the chapters. Within each chapter, the policies are placed in logical groupings. The manual includes an index to aid in finding specific policies. Each policy in the manual consists of two categories of statements: the policy itself and a commentary which justifies, explains, or gives the source of the particular policy section. For agencies just beginning policy development, procedural steps are listed. The author indicates that the manual can also be helpful to the agency which has a significant body of policy already established.

89. _____. Policy Development in Public Agencies. Madison, Wisconsin, University of Wisconsin, 1976. 94 p. (NCJ 42380)

This study deals with why policy is needed, the effect of the establishment of policy, and the development of policy. It is intended for use in a police agency with a companion publication, "Model Policy Manual for Police Agencies." Policy is considered needed in order to control and define the use of police discretion. Areas in which police may exercise discretion are discussed, and the need for comprehensive policy development in all these areas of discretion is discussed. The procedure for confining and structuring discretion by policy is treated. Methods for developing policy are also presented. Community involvement, the implementation of policy, and continuing policy development are given major treatment.

90. WILSON, J. Q. Politics and the Police. In Cole, G. F., Ed., Criminal Justice -- Law and Politics. Belmont, California, Wadsworth Publishing Company, 1972. 8 p.. (NCJ 25801)

The common mistake of evaluating police performance by the same parameters as other municipal services has minimized the role of local

political influence on daily police decisions. In fact, deliberate community choices rarely have more than a limited effect on police behavior, though they may often have a great effect on police personnel, budgets, pay levels, and organization. How the police, especially the patrolmen, handle the routine situations that bring them most frequently into contact with the public can be determined by explicit political decisions only to the extent that such behavior can be determined by the explicit decisions of the police administrator, and the administrator's ability to control the discretion of his subordinates is in many cases quite limited by the nature of the situation and the legal constraints that govern police behavior. The maintenance of order, unless it involves the control of large disorders (a riot, for example), is very hard to bring under administrative control and thus very hard to bring under political control -- at least insofar as politics operates through the making of conscious decisions by formal institutions (mayors, city councils, and the like); and some law enforcement situations, especially those in which the police response is citizen-invoked, offer few opportunities to the administrator -- and thus to his political superiors -- for changing the nature or the outcome of police action. As a result, the choice of a police administrator and the molding of his role is a political consideration of primary concern. If a chief is selected whose policies are consistent with local norms, he can expect little public interest in his daily decisions.

OPERATIONAL DISCRETION

91. BANTON, M. Police Duty. In Skolnick, Jerome H. and Thomas C. Gray, Eds., Police in America. Boston, Little Brown, 1975. 9 p. (NCJ 19821)

The manner in which police in the United States and Great Britain exercise police discretion is discussed, especially with respect to minor offenses such as drunkenness or traffic violations. Factors that influence police discretion are reviewed. Among these are the character of the offender, the nature of the offense, the probability of conviction for that offense, and the personality of the policeman. The sources from which police officers draw their ideas as to discretionary powers are also discussed. These are training, the examples of colleagues, the advice or instruction of supervisors, the courts, and contacts with society as a whole.

92. BARTON, W. H. Discretionary Decisionmaking in Juvenile Justice. Crime and Delinquency, v. 22, n. 4: 470-480. October 1976. (NCJ 37437)

This article reviews the results of several studies dealing with the influence of demographic, criminal history, and social variables on decisionmaking during police handling, presentence reporting, and court dispositions. The social distribution of youths who engage in delinquent behavior is not exactly the same as that of youths who come into contact with the juvenile justice system. Thus, a certain amount of discretion characterizes the decisions made at various points within the system. In seeking an understanding of the discretionary processes, researchers have tried to isolate elements related to dispositions at distinct decision points. In addition to offense and offense history, the elements of sex, race, and social class have often been the foci of studies, several of which are reviewed here. This review suggests that as a youth penetrates further into the juvenile justice system, factors other than his present offense become increasingly salient to decisionmakers. It also appears that, once apprehended, girls tend to fare worse than boys do at the hands of the system. However, extreme caution is urged in generalizing from these studies, which differed in time, place, methodology, and scope. Perhaps the most important conclusion of this review is that a clear understanding of the decisionmaking processes in the juvenile system is unlikely until a systematic research strategy or set of strategies emerges to replace the piecemeal approaches used to date. Some suggestions for such strategies are offered.

93. BITTNER, E. Capacity To Use Force as the Core of the Police Role. In Skolnick, Jerome H. and Thomas C. Gray, Eds., Police in America, Boston, Little Brown, 1975. 8 p. (NCJ 19818)

A new definition of the police role is offered in which the police are viewed as the mechanism for the distribution of situationally justified force in society instead of as agents of law enforcement. The author argues that because only a small part of the activity of the police is dedicated to law enforcement and because they deal with the majority of their problems without invoking the law, the concept of "law enforcers" does not seem to accurately reflect the role they play in society. He states that instead, the role of the police is to address all sorts of human problems when and insofar as their solutions do or may possibly require the use of force at the point of their occurrence. This is seen as lending homogeneity to such diverse procedures as catching a criminal, evicting a drunken person from a bar, directing traffic, controlling a crowd, taking care of lost children, administering medical first aid, and separating fighting relatives.

94. _____. Police on Skid Row -- A Study of Peace Keeping. In Sanders, William B. and Howard C. Daudistel, Eds., Criminal Justice Process -- A Reader. New York, Praeger Publishers, 1976. 25 p. (NCJ 34970)

Based on field work with the police departments in two large cities west of the Mississippi, this paper examines the methods and practices used by police to "keep the peace" on skid row. It is noted that police generally have two functions: law enforcement and peacekeeping. Several peacekeeping functions are outlined, including regulation of traffic, warning of certain minor offenders, intervention in noncriminal disputes between persons, crowd control, and handling of persons who are viewed as less than fully accountable for their actions. In this article, the author examines the non-law enforcement demand conditions imposed by skid row policing. It was found that peacekeeping procedure on skid row consists of three elements. Patrolmen seek to acquire a rich body of concrete knowledge about people by cultivating personal acquaintance with as many residents as possible. They tend to proceed against persons mainly on the basis of perceived risk, rather than on the basis of culpability. Finally, they are more interested in reducing the aggregate total of troubles in the area than in evaluating individual cases according to merit.

95. BLACK, D. J. Social Organization of Arrest. In Sanders, William B. and Howard C. Daudistel, Eds., Criminal Justice Process -- A Reader. New York, Praeger Publishers, 1976. 27 p. (NCJ 34971)

The author analyzes the effect of a number of circumstances on the

probability of arrest and then offers a set of descriptive materials on the social conditions under which police make arrests in routine encounters. The factors considered are the suspect's race, the legal seriousness of the alleged crime, the evidence available in the field setting, the complainant's preference for police action, the social relationship between the complainant and suspect, the suspect's degree of deference toward the police, and the manner in which the police come to handle an incident. Study data was collected during the summer of 1966 by systematic observation of police-citizen transactions in Boston, Chicago, and Washington, D.C. Thirty-six trained observers accompanied patrolmen on all work shifts on all days of the week for seven weeks in each city. This article first presents a brief description of routine police work and then presents the study findings on arrest, first for encounters involving both a citizen complainant and a suspect, and then for police encounters with lone suspects. The major findings were as follows: most arrest situations arise through citizen, rather than police, initiative; arrest practices reflect the preferences of citizen complainants; the police use their arrest power less often than the law would allow; the stronger the field evidence, the more likely the arrest; the probability of arrest is higher in legally serious crime situations than in those of a relatively minor nature; the greater the relational distance between a complainant and a suspect, the greater the likelihood of arrest; the probability of arrest increases when a suspect is disrespectful toward the police; and there was no evidence that police discriminate on the basis of race.

96. BLOM-COOPER, L. To Prosecute or Not To Prosecute. In Alderson, J. C. and Philip J. Stead, Eds., Police We Observe. London, England, Wolfe Publishing Ltd., 1973. 1 p. (NCJ 25838)

Recognizing that the police do and probably should have wide discretionary powers concerning the selective enforcement of the laws, the author suggests some types of proscribed behavior that should be decriminalized. These areas are victimless crimes: sexual offenses and crimes against public morality. Some of the specific crimes alluded to are gaming, homosexuality, incest, and pornography.

97. BOLT, E., F. COLEMAN, E. CONNOLLY, J. DALEY, A. DINATALE, and J. DOYLE. Police Policymaking -- The Structuring of Discretion in the Use of Criminal Investigation Procedures -- Final Report -- Phase 1. Boston, Boston Police Department, 1977. 75 p. MICROFICHE (NCJ 42075)

Policymaking questions related to the exercise of police discretion are examined. Issues addressed include model guidelines, involvement of police personnel, incentives to stimulate compliance, and evaluation of effectiveness. This study, performed jointly by the Boston Univer-

sity Center for Criminal Justice and the Boston Police Department, set out to examine the following issues: (1) the adequacy of the Model Rules of Law Enforcement prepared by Arizona State University in relation to the criminal investigative problems and policymaking needs of the Boston Police Department, (2) the possiblity of devising a process to effectively involve police personnel of all ranks in policymaking, (3) the effectiveness of positive incentives to stimulate compliance with policies, and (4) the feasibility of measuring the effect of policies on the behavior of police officers. A discussion of the development of a process to identify criminal investigative policy needs of police agencies is presented, followed by the application of the process to the identification of needs within the Boston Police Department. Policies were developed and applied, and evaluation strategies were designed and used. Examples are given of draft and final versions of the policies, and a summary of evaluation results and implications is presented. It was concluded that (1) the model policies developed by Arizona State University are generally responsive to the needs of the Boston Police Department, with some modifications; (2) a variety of research techniques must be utilized to learn about local problems and needs for policymaking purposes; (3) it is possible and desirable to involve personnel of all ranks in identifying the areas in greatest need of policy development and in formulating the policies themselves; and (4) effective evaluation strategies can be developed to measure the impact of some guidelines in structuring discretion. Other conclusions, assumptions, and future plans are presented.

98. BORGMAN, P. D. Diversion of Law Violators to Mental Health Facilities. Social Casework: 418-426. July 1975. (NCJ 30026)

This article discusses the treatment of 50 adults who came to the attention of a community mental health center as a result of diversion from the criminal justice network. The study was conducted in an industrialized county of 100,000 in the Piedmont area of the South. There was evidence that these accused offenders were regarded as community nuisances who had exhausted the patience of criminal justice agencies and others. Diversion of these law violators to mental health facilities was accomplished with relatively little violation of their rights. However, it appeared questionable that mental health facilities, especially State hospitals, offered more humane treatment than did prisons. The inhumanity of mental health treatment appears to derive at least partly from attempts to treat law violators as if they had psychotic or neurotic illnesses. Effectiveness of mental health treatment in stopping law violating behavior appeared to depend upon whether the offender habitually maintained employment and lived in a self-supporting family. Treatment in a mental health center in the community seemed more effective than treatment in a State hospital alone. These findings may or may not be applicable to criminal offenders diverted to mental health facilities in other locales. The results described here do demonstrate,

however, some issues involved in diverting offenders to mental health services.

99. BOTTOMLEY, A. K. and C. A. COLEMAN. Criminal Statistics -- The Police Role in the Discovery and Detection of Crime. International Journal of Criminology and Penology, v. 4, n. 1: 35-58. February 1976. (NCJ 32721)

This paper reports some preliminary findings of a study which examined the relationship between central aspects of police work in detecting crime and their influence on the construction of official records of crime. The pilot survey examined a random sample of indictable crimes reported to the police of a medium-sized city in the north of England. In this study, the researchers examined the nature of police accounts, as these provide the basic raw material out of which official crime statistics are subsequently constructed; the discovery of crime, in which the relative roles of police, victims, and members of the public who report crimes are examined; and the detection or clearance of reported crime, in which the methods behind the statistic of detected crime are explored. The authors conclude that the real problematics surrounding undetected crime and undetected criminals do not lie in the initiative, discretion, and detection methods of the police but in the role of other members of the public who crucially influence both the definition of crime and ultimately the social construction of official crime data.

100. BRAKEL, S. J. Diversion from the Criminal Process -- Informal Discretion, Motivation, and Formalization. Denver Law Journal, v. 48: 211-238. 1971. (NCJ 09986)

This article presents a description and analysis of the concept of diversion based on field research in the Midwest, and a discussion of the various attempts to formalize these practices. Focusing on diversionary practices in the areas of white-collar crime, shoplifting, family disputes, and first defenses, the article presents some preliminary conclusions about the nature of diversionary practices, their motivations, and official attempts to formalize these practices. The data gathered during the course of the fieldwork suggest that there are serious problems connected with (and perhaps inherent in) the informality which characterizes many diversionary practices. The experiences with formalized diversion have, however, raised equally troublesome questions. The author first discusses the four categories of offenses in terms of their rationales and suggests that informal diversion carries with it a substantial potential for discriminatory application. Then he examines attempts at formalization which he concludes have failed.

101. BURACKER, C. D. Educated Police Officer -- Asset or Liability. Police Chief, v. 44, n. 8: 90-94. August 1977. (NCJ 43187)

Advantages and disadvantages of college education for police officers are discussed; although college education is no panacea, advanced education of some type can help a good officer perform even better. The assets and liabilities of college education for police officers have not yet been studied scientifically, although a few preliminary surveys have been made. With the proliferation of law enforcement degrees in the U.S. (from 184 in 1967 to more than 664, ranging from baccalaureate to doctorate, in 1976), such evaluation is greatly needed. To date, apparent assets are increased ability to make discretionary decisions and improved job performance in the social services area. In police work, the power to make discretionary decisions is vested in the lowest ranking person on the force, the patrolman on the beat. Two studies have shown a relationship between higher education and ability to exercise discretionary powers. College education also helps an officer understand the social climate in which he works and enables him to deal more effectively with the many nonenforcement duties he has. Liabilities include the tendency of college educated officers to become bored and quit; keeping them motivated is an administrative challenge. One study showed that one-third of college-educated officers left the force, compared with 19 percent of non-college educated. Other departments have been so impressed by performance of college graduates that they require college degrees for employment, a trend being fought by police unions. Still other departments feel an officer with one or two years of college performs best, while others hire high school graduates and offer advanced training after a period of time on the job. Until adequate research is undertaken, it cannot be stated, categorically that education is a prerequisite for law enforcement, but education can help improve already good performance.

102. CHAMELIN, N. C. Police and Juvenile Court Relations. Juvenile Justice, v. 26, n. 1: 16-20. February 1975. (NCJ 19310)

The author investigates five major factors which influence the success or failure of effective juvenile court-police relations. The factors discussed include police discretion in juvenile cases, police policies on use of discretion in juvenile cases, police organization and training, juvenile court capabilities, and the presence or lack of effective communications between police and the juvenile court.

103. CLEMENTS, C. B. School Relations Bureau -- A Program of Police Intervention. Criminal Justice and Behavior, v. 2, n. 4: 358-371. December 1975. (NCJ 31199)

This paper presents a general rationale for police prevention-diversion programs and describes a 3-year project in which police teams were assigned to schools. The School Relations Bureau (SRB) of the Montgomery (Alabama) Police Department was begun in late 1970 as a two-person team of officers designed to serve a liaison function between the public schools and the police department. One of the original goals of the Bureau was to prevent the escalation of potentially dangerous situations in and around the public schools of Montgomery. A signficant secondary goal from its inception has been the improvement of relationships between police and youth. The two-person bureau was expanded to eight persons the second year. In the spring of 1972, the Law Enforcement Assistance Administration approved a grant request from the Montgomery Police Department which allowed the Bureau to expand to 16 officers and additionally provided funds for training, supervision, and evaluation. Features of this program included job-specific training, supervision and consultation by a full-time psychologist, and numerous informal police-youth contacts. Student and teacher acceptance was high. Most officers successfully moved into helping roles, and several specific benefits accrued to students.

104. COLEMAN, C. A. and A. K. BOTTOMLEY. Police Conceptions of Crime and "No Crime." Criminal Law Review: 344-360. June 1976. (NCJ 34991)

This article examines the problems police may experience in deciding whether a configuration of events is to be recorded as a "crime" and describes the process and problems involved in classifying an offense. The police conception of "crime" and the definitions of "no crime" are first discussed. It is noted that a significant number of incidents reported to police are eventually classified as "no crime" in police records. Among the types of cases classified as "no crime" were cycle thefts; crimes which police believed lacked a necessary element for crime classification, such as criminal intent; incidents in which the victim did not press charges; incidents shown not to be crimes during subsequent investigations; domestic incidents; and cases involving insufficient evidence. Factors which may affect the police classification decision (such as police intelligence or experience) are briefly examined. Finally, the authors discuss how operational categories employed by police cannot always be assumed to have a standard meaning which will correspond to the laymen's or criminologist's conception of the categories.

105. CRITES, L. Success Models for Police Roles in Corrections. In Miller, E. Eugene and M. Robert Montilla, Eds., Corrections in the Community -- Success Models in Correctional Reform. Reston, Virginia, Reston Publishing Company, 1977. 11 p. (NCJ 42183)

This article describes the role of police in nonpunitive community corrections efforts and presents several examples of successful corrective programs by police departments. Examples, both of police departments which provide direct treatment and counseling service to offenders and those which refer offenders to existing community services in lieu of either arrest or adjudication, are provided.

106. DAUDISTEL, H. C. and W. B. SANDERS. Police Discretion in Application of the Law. In Daudistel, H. C. and W. B. Sanders, Eds., Criminal Justice Process -- A Reader. New York, Praeger Publishers, 1976. 12 p. (NCJ 34973)

Field research in a county sheriff's office is said to indicate that police decisionmaking is not fully described by sociologists using formal or informal normative systems to explain patterns of criminal arrest. It is suggested that analyses of discretion in the criminal justice system should be at least partly based on investigation into the methods that criminal justice personnel use to accomplish reasonable and rational use of the law. Such study necessarily involves examination of how members identify and label encountered scenes and how they label accounts of scenes reported by others. It is said that the exercise of discretion does not necessarily imply that officials purposely discriminate between those individuals who should be officially processed in various ways and those who should not. The assumption that coding of various events is done via explicit and "objective" sets of laws and rules that prescribe the necessary and sufficient criteria for proper coding is said to gloss over many of the interpretive practices that are essential to the accomplishment of the coding. Not only are interpretive practices essential, but the very assumption that one's coding has been done "according to the rules" is dependent on "ad hoc" considerations.

107. FINCKENHAUER, J. O. Some Factors in Police Discretion and Decisionmaking. Journal of Criminal Justice, v. 4, n. 1: 29-46. Spring 1976. (NCJ 35493)

This report concerns a study which explored how police officers react to ambiguous situations and what factors in individual discretionary situations and characteristics of individual police officers influence decisionmaking. The 209 subjects tested were all police recruits undergoing basic training at one of the police training academies in

New Jersey and represented a full range of age, educational, and experiential backgrounds. Recruits were asked to read each of five incident descriptions and then indicate for each case their agreement or disagreement with the police response described and what their own response would have been. The illustrative situations dealt with selective enforcement of statutes on gambling, drunkenness, welfare fraud, prostitution, and juvenile offenses. Analysis of study findings revealed that the police response was very definitely inclined toward taking actions other than invocation of the formal criminal process. The police recruits were also generally not inclined to ignore the situations. The primary factor which seemed to influence the exercise of discretion was the desire on the part of the respondents to maintain a certain public image of the police role, based upon their judgment of what the community's expectations of the appropriate police response were. This judgment was most influenced by the accumulation of experience or "street wisdom." References are included.

108. FISK, J. G. Some Dimensions of Police Discretion. In Goldsmith, J. and S. S. Goldsmith, Eds., Police Community -- Dimensions of an Occupational Subculture. Pacific Palisades, California, Palisades Publishers, 1974. 21 p. (NCJ 29346)

Through an analysis of the conditions and factors which may affect the police decision to arrest or not to arrest, the larger process of police discretion is examined. After providing a legal definition of arrest, the author examines the arrest decision in relation to such factors as the political philosophy of a nation, society's desire for social order, the values of society in general, and the policeman's perception of his rule. Also discussed is the idea that many policemen hold that the arrest is the essence of police work; the effect of this philosophy on the arrest decision is examined. Finally, the author considers "ego risks" and physical risks that are associated with the power to arrest.

109. GOLDSTEIN, J. Police Discretion Not To Invoke the Criminal Process -- Low-Visibility Decisions in the Administration of Justice. In Cole, G. F., Ed., Criminal Justice -- Law and Politics. Belmont, California, Wadsworth Publishing Company, 1972. 22 p. (NCJ 25798)

Despite the fact that legislatures write criminal laws as if they were commands to be enforced by the police, there is wide latitude for officers to determine how the laws are enforced. The mandate of full enforcement, under circumstances which compel selective enforcement, has placed the municipal police in an intolerable position. As a result, nonenforcement programs have developed undercover, in a hit-or-miss fashion, and without regard to impact

on the overall administration of justice or the basic objectives of the criminal law. Legislatures ought to reconsider what discretion, if any, the police must or should have in invoking the criminal process, and what devices, if any, should be designed to increase visibility and hence reviewability of these police decisions. Police decisions not to invoke the criminal process largely determine the outer limits of law enforcement. By such decisions, the police define the ambit of discretion throughout the process of other decisionmakers -- prosecutor, grand and petit jury, judge, probation officer, correction authority, and parole and pardon boards. These police decisions, unlike their decisions to invoke the law, are generally of extremely low visibility and consequently are seldom the subject of review. Yet an opportunity for review and appraisal of nonenforcement decisions is essential to the functioning of the rule of law in our system of criminal justice. This article therefore attempts to determine how the visibility of such police decisions may be increased and what procedures should be established to evaluate them on a continuing basis, in the light of the complex of objectives of the criminal law and of the paradoxes toward which the administration of criminal justice inclines. The author suggests that a police policy appraisal and review board will help to remedy this problem.

110. HANSEN, D. A. Police Ethics. Springfield, Illinois, Charles C. Thomas, 1973. 97 p. (NCJ 09696)

The author presents ethical standards to be used by police officers in circumstances where the literal interpretation of statutes and laws is not easily applied. Numerous examples of situations commonly encountered by officers are used to illustrate the many facets of police ethics and their effects on law enforcement activities. The acceptance of gratuities and the solicitation of money for charitable purposes by police are discussed. Suggestions are made for maintaining a professional approach to all police matters, including the handling of private citizens who are unethical in their own dealings. The preservation of departmental discipline with regard to unethical practices is covered for the benefit of the police administration. Also included is a copy of the code of ethics adopted by the International Association of Chiefs of Police.

111. HOWARD, M. K. Police Encounters With Juvenile Offenders. Doctoral Dissertation, University of Colorado, Boulder, 1972. 148 p. (NCJ 25603)

This paper presents the results of a study undertaken to investigate the importance of such variances as the officer's personal characteristics, the departmental environment, and the officer's attitudes in police discretionary decisions. A police opinion poll (POP) intended to provide a measure of personal characteristics, attitudes, and re-

ports of petty theft and malicious mischief cases was developed. The POP was administered to a total of 247 police officers located in 7 police departments in 2 Western States. A structural effects methodology was used to analyze the data. A multiple regression analysis was then performed to see how well petty theft disposition could be predicted from the measures related to the offender, offence, and characteristics and attitudes of the officer. Severity of petty theft dispositions was predicted from the offender's age, victims, preference, officer's knowledge about offenders, officer's educational level, sex of offender, and officer's age. The author notes that the officer appears to base his decisions primarily on the offender's characteristics and victim preference, and only secondly are dispositions related to characteristics of the officer.

112. KLAPMUTS, N. Diversion From the Justice System. Crime and Delinquency Literature, v. 6, n.1: 108-131. March 1974. (NCJ 12872)

This article discusses the concept of diversion, the process by which accused persons are channeled away from traditional prosecution toward rehabilitation and treatment programs. An attempt is made to define diversion and the limits on its application. The author separates pretrial diversion into three distinct categories -- community absorption, police diversion, and court-based diversion. In order to analyze these three concepts, numerous examples of each are discussed, including youth services system, police family crisis intervention programs, police alcoholic diversion, and court-level counseling and employment programs. The article concludes that the definition of pretrial diversion remains nebulous, partially due to the wide range of programs that are included in the concept. Among the unanswered questions are who should be diverted, what administrative and fiscal arrangements should be made, what rights are reserved by the diverted person, and whether diversion is effective.

113. KLEIN, M. W. Labeling, Deterrence, and Recidivism - A Study of Police Dispositions of Juvenile Offenders. Social Problems, v. 22, n. 2: 292-303. December 1974. (NCJ 25374)

Juvenile delinquency recidivism rates were compared for nine police departments showing high rates of juvenile diversion and nine departments which had low diversion rates to determine the effects on labeling. It was found that police departments with high rates of juvenile diversion did not yield different recidivism rates than those with low diversion rates unless comparisons were made between first offenders and multiple offenders. Then, the two sets of departments differed substantially: high diversion departments had lower subsequent recidivism rates for first offenders than for multiple offenders, while low diversion departments did not exhibit such differences.

It is stated that the emergence of differences in multiple, but not in simple, recidivism and among high diversion, but not among low diversion, departments tentatively supports both labeling theory and a deterrence approach in interaction with departmental and offender variables. There is also a suggestion, the author states, that the effects of delinquent stigmatization are cumulative with each arrest, supporting Lemert's secondary deviance conception, at least among first offenders in high diversion departments.

114. LaFAVE, W. R. Arrest -- The Decision To Take a Suspect Into Custody. Boston, Little Brown, 1965. 540 p. (NCJ 05286)

This book discusses police policies and practices which relate to the arrest decision of persons suspected of criminal behavior. Discussion leads to definition in answering such questions as who makes the decision to arrest; how it is made; how it is controlled in order to assure consistency and fairness; and why the police at times act other than in strict conformity with existing laws, either by failing to enforce certain laws or by using extralegal means to impose sanctions on violators. Arrest is a distinct operational step, distinguished from detection on the one side and prosecution on the other. Each issue which relates to the arrest decision is examined, from police discretion to evidence requirements for arrest, the need for custody as an arrest criterion, and the use of arrest to achieve objectives other than prosecution and conviction.

115. LIDZ, C. W. Cop-Addict Game -- A Model of Police-Suspect Interaction. Journal of Police Science and Administration, v. 2, n. 1: 2-10. March 1974. (NCJ 14139)

Police have two different concepts of their job a professional ideal: emphasizing their role as guardians of the social order, and an interpersonal game of pursuit played with suspects, emphasizing concepts of fairness. Sociologists observed and analyzed the behavior of vice squad personnel assigned to control prostitution, gambling, and heroin traffic in a city of 200,000 between 1968 and 1973. The study found that, although the detectives believed strongly in the professional police ideology, their day-to-day work involved them in competitive games with suspects which transcended legal restrictions on police-suspect interaction. The central value observed by both police and suspects in such relationships was the idea that some things were "fair" to do and others were not. Episodes are recounted to show how this understanding has an important effect on how police work is done. The study concludes that "police behavior" is not a proper concept of these kinds of police-suspect relationships, since they lessen tensions and strengthen patterns of peaceful relations between the two sides.

116. NIMMER, R. St. Louis Diagnostic and Detoxification Center -- An Experiment in Non-Criminal Processing of Public Intoxicants. Washington University Law Quarterly. Winter 1970. (NCJ 02072)

This article concerns detoxification center experiments in keeping male intoxicants for a week of treatment in St. Louis instead of going to jail. Detoxification provides rehabilitation objectives through therapy and referrals in aftercare agencies. Police select skid row intoxicants to go to the detoxification center on a random basis, making measurement of the impact of this new program difficult. Intoxicants are better off physically because of nourishment and medical treatment provided at the center. Some police do not send intoxicants to the center because they feel that it is a waste of time or that the facilities and treatment are inadequate.

117. PEARSON, M. A. Factors Undermining Police Commitment to the Rule of Law. Doctoral Dissertation, Florida State University, Tallahassee, 1974. 265 p. (NCJ 18965)

This study explored factors which could undermine a police officer's commitment to the rule of law, by weighing the officer's commitment, as a dependent variable, against four other factors of behavior. The study represents an extension of Skolnick's thesis (1966) that the major problem facing the police is their response to the demands for order maintenance under a rule of law. The four independent variables tested were the officer's background characteristics, his personality, the effects of the police culture and socialization, and the importance of threat in his occupational environment. The study was based on data collected from questionnaires administered to members of the Columbus (Georgia) Police Force. Little support was found for the argument that traditional recruitment practices and subsequent relative homogenity of social class, backgrounds, and attitudes strongly influence the officer's perception of his role. The strongest support was found for threat as an independent variable, a factor which the author sees as having large implications for future research in police deviance. The background literature, study hypotheses, research design, conclusions, and implications are fully detailed.

118. PEPINSKY, H. E. Police Decisions To Report Offenses. Doctoral Dissertation, University of Pennsylvania, Philadelphia, 1972. 545 p. (NCJ 12680)

This study concerns police discretionary actions when responding to citizen calls for assistance or reports of crime. The data were collected by researchers riding with police officers and recording police reactions and responses to varying situations. The author considers

police decisions in instances of traffic offenses, sex offenses, assaults, and various other crimes. He analyzes his findings and offers conclusions concerning the officers' decisions to report offenses, what offenses to report, and the factors policemen consider in making these decisions. The author's data form used by researchers observing the police, statistical results of the study, 174 tables, and a bibliography are included.

119. PETERSEN, D. M. Informal Norms and Police Practice -- The Traffic Ticket Quota System. In Goldsmith, J. and S. S. Goldsmith, Eds., Police Community -- Dimensions of an Occupational Subculture. Pacific Palisades, California, Pacific Publishers, 1974. 9 p. (NCJ 29354)

This article examines the uniformed traffic division of an unnamed police department to determine the adherence to group norms and the effect of such norms on work behavior. The decision to issue a citation for a traffic violation, it was found, frequently is based upon factors at variance with the official purposes of the police organization. An explanation of this phenomenon indicates the existence of an informal quota system among the men which limits the production or output of citations by individual officers.

120. _____. Police Discretion and the Decision to Arrest. Dissertation, University of Kentucky, Lexington, 1968. 368 p. (NCJ 07255)

This study examines the factors and influences which affect the uniformed policeman's decision to arrest. It examines the attitudes and behavior of two specialized uniformed police groups -- patrol officers and traffic officers -- in a particular police department. On the basis of interviews and personal observation, the author investigates the role of the uniformed policeman in the community and identifies the variety of influences that enter into his decision to make or not to make an arrest. The author notes that the policeman, in many circumstances, makes decisions that emphasize nonlegal as opposed to legal controls. The study ultimately attempts to determine the influence of uniformed officers' adherence to group norms and the effectiveness of group norms on his discretionary decisions.

121. REISS, A. J. Police and the Public. New Haven, Connecticut, Yale University Press, 1971. 273 p. (NCJ 10730)

This book presents a study of police-citizen interaction in the United States directed toward an understanding and existence of a more "civil" society. Research is derived from the observations of 36 persons who rode with the police in select cities for 8-hour tours of duty. Data are included on arrest, police routine, conduct, and discretion. Sit-

uations are investigated in which policemen break laws and how such actions relate to the subculture of an individual neighborhood or beat. The author presents his view that the morality of the public and the morality of the police are intimately related, and that one cannot be expected to improve unless the other does.

122. RUBENSTEIN, J. City Police. New York, Farrar, Straus and Giroux, 1973. 479 p. (NCJ 10319)

This book covers day-to-day district operations within the Philadelphia Police Department based on two years' observance of regular and special patrol units in action. "The policeman is a solitary worker. The nature of his trade requires that he spend a good part of his work day alone -- the nature of his obligation isolates him from most other people." The focus of the book is on the patrolman's working life, his conception of the place he polices, his sense of territory, the extent of his knowledge about the people he polices, his techniques for surveillance of his area, his use of the tools of his trade to control people, and his manipulation of the communications system to obtain vital information while keeping secret from colleagues and superiors what he is actually doing. The author carefully explains the delicate relationships which exist between the patrolman, his coworkers, and his sergeant and analyzes the incidents of illegality and brutality which occur in routine police activity. The role of the policeman in the modern city is presented throughout.

123. SIMS, A. C. P. and R. L. SYMONDS. Psychiatric Referrals From the Police. British Journal of Psychiatry, v. 127: 171-178. August 1975. (NCJ 31410)

This article concerns a study of mentally disturbed persons entered into psychiatric care upon referral by police in Birmingham, England. The annual rate of police referral was examined from 1962-1973 inclusive. The sample of referrals for one 12-month period was studied to survey social characteristics of individual patients, the relationships between police intervention and areas of the city, the nature of the situation requiring intervention, and the management and treatment which these patients required. The referrals were traced from contact with the mental welfare officer to the hospital, where the case notes of those admitted were studied for legal status and mental state on admission, diagnosis, length of stay, and disposition. The effectiveness of this method of entering treatment is assessed, and recommendations are made to improve both referral practices and treatment.

124. SKOLNICK, J. H. Sketch of the Policeman's "Working Personality." In Cole, G. F., Ed., Criminal Justice -- Law and Politics. Belmont, California, Wadsworth Publishing Company, 1972. 20 p. (NCJ 25799)

The policeman's cognitive perceptions of the world are influenced by two important variables -- danger and authority -- which differentiate him and his perceptions from society and its "normal" way of working at things. The author explains how the hypothesis emphasizing the generalizability of the policeman's "working personality" is compatible with the idea that police division of labor is an important analytic dimension for understanding operational law enforcement. The process by which this "personality" is developed may be summarized as follows: the policeman's role contains principal variables -- danger and authority -- which should be interpreted in the light of a constant pressure to appear efficient. The element of danger seems to make the policeman especially attentive to signs indicating a potential for violence and lawbreaking. As a result, the policeman is generally a "suspicious" person. Furthermore, the character of the policeman's work makes him less desirable as a friend, since norms of friendship implicate others in his work. Accordingly, the element of danger isolates the policeman socially from that segment of the citizenry which he regards as symbolically dangerous and also from the conventional citizenry with whom he identifies. The element of authority reinforces the element of danger in isolating the policeman. Typically, the policeman is required to enforce laws representing puritanical morality, such as those prohibiting drunkenness, and also laws regulating the flow of public activity, such as traffic laws. In these situations the policeman directs the citizenry, whose typical response denies recognition of his authority and stresses his obligation to respond to danger. The kind of man who responds well to danger, however, does not normally subscribe to codes of puritanical morality. As a result, the policeman is unusually liable to the charge of hypocrite. That the whole civilian world is an audience for the policeman further promotes police isolation and, in consequence, solidarity. Finally, danger undermines the judicious use of authority. Where danger is relatively less, the judicious application of authority is facilitated.

125. STANSFIELD, W. Being a Chief Constable. In Alderson, J. C. and Philip J. Stead, Eds., Police We Deserve. London, England, Wolfe Publishing Ltd., 1973. 14 p. (NCJ 25839)

This article is a subjective examination of the trials, duties, and tribulations associated with the office of chief constable, written by a chief constable. The duties of a chief constable are the preservation of public tranquility, protection of life and property, prevention of offenses, and prosecution of offenders. The author discusses the issues of how to judge the success of a constabulary, the selective enforcement of the laws, the need to account to the public

for the tax monies it invests, and the need to temper the use of force with wisdom.

126. U.S. DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE. Police Work with Children -- Perspectives and Principles. By R. A. Myren and L. D. Swanson. Washington, 1966. 106 p. Publication no. CB-PUB 399-1962 (NCJ 00889)

This paper takes a problematic approach to the overall operations of police in dealings with juveniles. A number of issues and problems which will have to be faced and resolved by the police and possibly ultimately by the courts are discussed. Also discussed and recommended are principles and practices which are considered desirable on the basis of the existing law, public policy, and present knowledge of human behavior. Issues included are the juvenile specialist unit, police discretion and investigation, procedures in abuse and neglect, runaways, and other such juvenile status offenses.

127. _____. National Institute of Mental Health. Routine Police Arrest Practices -- A Commonwealth Perspective. By R. J. Lundman. Rockville, Maryland. 31 p. MICROFICHE (NCJ 14377)

The purpose of this study was to determine the extent to which routine police arrest practices suggest police abuse of the societally delegated privilege to exercise nonnegotiable coercive force. Public drunkenness encounters occurring in a large Midwestern city during a 15-month period were analyzed by a group of observers trained in the use of an interaction code. These seven observers traveled with police on a random time sample basis. It was found that significantly higher rates of arrest were associated with offense conspicuousness, offender powerlessness, and offender disrespect. It was concluded that police do abuse this societally delegated privilege. The implications of this conclusion for the commonwealth conception of the police are discussed, and the need for additional research is suggested. A list of references is included.

128. U.S. DEPARTMENT OF JUSTICE. Law Enforcement Administration. Discussion Paper About Some Dimensions of Police Discretion. By J. G. Fisk. Los Angeles, UCLA Institute of Government and Public Affairs, 1973. 31 p. (NCJ 35803)

This discussion paper examines the nature and dimensions of the issue of police discretion through an analysis of the factors related to one aspect of police discretion: the decision to arrest or not to arrest. Among the specific issues investigated are the relationship of arrest to the political system, the relationship of the arrest decision to

social order, the values associated with police discretion, the function of arrest in the police role, and the meaning of arrest for the individual officer.

129. _____. Law Enforcement Assistance Administration. Police and the Community -- Dynamics of Their Relationship in a Changing Society, Vol. 2. By J. D. Lohman and G. E. Misner. Berkeley, California, University of California, 1966. 316 p. (NCJ 00622)

Philadelphia police conflict with racial and ethnic groups, the adolescent community, and the courts is described. The attitudes of the police and various elements of the public toward each other's services; what the police can perform to improve police-community relations; special institutions which can be created by the police concerning police-community relations; police personnel policies; law enforcement methods relating to police-community relations; the amount and kind of police brutality, indignities, and other misconduct and methods for controlling it in the future; and the contribution and responsibility of community groups for better police-community relations are covered.

130. _____. Law Enforcement Assistance Administration. National Institute of Law Enforcement and Criminal Justice. Alternatives to Prosecution -- A Survey of the Practice of Diversion -- Draft 3. By R. Nimmer. Chicago, American Bar Foundation, 1973. 211 p. (NCJ 13988)

This report is an intensive analysis of disposition patterns and rationales in two moderate-sized urban areas, exploring areas in which diversion commonly occurs and how crimes are handled in the absence of formal diversion programs. Diversion programs are described in the three most common case areas: personal and monetary disputes; deviant behavior deemed related to an illness, such as narcotic addiction and alcoholism; and cases involving defendants with limited or no previous record. Discretionary decisions of police, prosecutor, and judge, together with those of victim, defendant, and diversion program staff, were found important in the case dispositions. It was concluded that diversion programs are dealing with relatively few cases and that no reliable existing data confirms that diversion has more effective beneficial effects than traditional processing. It is considered that while diversion is a significant addition to dispositional alternatives, it will be extended routinely to include serious offenders. Data was gathered through the use of questionnaires, site visits, local consultants, and an advisory committee.

131. _____. Law Enforcement Assistance Administration. National Institute of Law Enforcement and Criminal Justice. Deterrent Effects of Case Disposition Decisions on Specific Felony Crimes -- Final Report. By S. Kobrin and N. Bergman. Los Angeles, University of Southern California Law Center, 1976. 78 p. MICROFICHE (NCJ 40008)

This is the final report on a study of the deterrent effectiveness of the sanction resources employed by California criminal justice agencies to control felonies for each of eight felony crimes, as defined in California's criminal code. Crime report and agency transaction data were gathered for the years 1969-1971 from the holdings of the California Bureau of Criminal Statistics. Crimes under study were homicide, nonvehicular manslaughter, robbery, assault, burglary, grand theft, auto theft, and rape. The deterrent effect of sanctions was measured by estimating the magnitude and direction of the relationship between the level of sanction exercised at each of four stages of the justice process and the crime rate for each of the eight crimes selected for study. The four stages examined were arrest, pretrial, conviction, and sentencing. The findings revealed that sanction scores were highest for homicide and lowest for auto theft; that the widest range occurs at the police stage; and that the deterrent effect of justice sanctions are greater in metropolitan than in rural counties. Data tables are provided to facilitate analysis of results, and appendixes contain classifications of crimes studied and additional tables of data collected and compared in the study.

132. _____. Law Enforcement Assistance Administration. National Institute of Law Enforcement and Criminal Justice. Police Policy Making -- The Structuring of Discretion in the Use of Criminal Investigative Procedures -- Appendixes. Boston, Boston University, 1976. 415 p. (NCJ 42078)

This volume consists of appendixes to NCJ 42075. They cover processing materials, final guidelines, legal commentary to the guidelines, supporting statutory proposals, and evaluation methodology.

133. _____. Law Enforcement Assistance Administration. National Institute of Law Enforcement and Criminal Justice. Politics, Administration and Police Discretion -- The Exercise of Discretion by Patrolmen in Three Urban Communities. By M. K. Brown. Washington, 1976. 862 p. MICROFICHE (NCJ 34206)

This thesis study analyzes the exercise of discretion and the criteria used by patrolmen by examining the way they interpret their task and how they cope with organization and legal constraints on their discretion. The research strategy involved comparing a high-crime division of a large, urban police department (Los Angeles Police Department) with

a high-crime small department (Inglewood, California) and a low-crime division of the large department with a low-crime small department (Redondo Beach, California). Data for the study were collected by participant observation and a survey of 200 patrolmen and 65 management personnel in the 3 departments. The orienting hypothesis was that the exercise of discretion by patrolmen is tempered by the incentives and pressures of the police bureaucracy and the values of the police culture. The study found significant differences in the way patrolmen exercise their discretion between the three departments and between individual patrolmen within the departments. Patrolmen in the large department were more likely to enforce the law or take other formal actions in a wide variety of situations than patrolmen in the small departments. In addition, patrolmen were found to have considerable autonomy in deciding how to go about using their powers of discretion; to be motivated by the ideal of the inner-directed, aggressive policeman; and to define their task in terms of the goal of crime-fighting. A typology of four distinctive operational styles, based on the dimensions of aggressiveness and selectivity, were identified -- the old-style crime-fighter, the clean beat crime-fighter, the professional, and the service styles. The analysis showed that these styles determine how an officer will use his discretion in some situations and that they develop independent of the police department -- that is, police departments do not produce distinctive styles of police work. Police professionalism and three models of reform, all geared to gaining greater political control over police discretion -- the policymaking, professional, and community control/decentralization models -- are evaluated in light of these conclusions. A 29-page bibliography is included. A discussion of study and data analysis methods and a copy of the survey instrument are appended to this University of California dissertation.

134. U. S. DEPARTMENT OF TRANSPORTATION. National Highway Traffic Safety Administration. Factors Influencing Alcohol Safety Action Project Police Officer's DWI (Driving While Intoxicated) Arrests -- Final Report. Springfield, Virginia, National Technical Information Service, 1974. 142 p. MICROFICHE (NCJ 13965)

This report contains the results of a study whose purpose is to improve the potential for identification of drivers who drive while intoxicated. It summarizes the results of a study to determine the factors influencing ASAP (Alcoholic Safety Action Program) police officers' DWI arrests and the formulation of approaches to minimize the influence of those factors which might tend to constrain the arrest of persons who appear to be driving under the influence of alcohol and augment those factors which might support a decision to arrest. The study was carried out during a series of 16 visits to selected ASAP sites. During the visits, officers and supervisors were interviewed in depth while performing their duties to determine what factors impacted on their DWI arrest decisions. Verification interviews were held with local court personnel, police administration, ASAP staff, and

others to develop input parameters for programs to improve officer performance. This survey was followed by the development of recommendations that addressed the factors identified during site visits.

135. _____. National Highway Traffic Safety Administration. Factors Influencing Arrests for Alcohol-Related Traffic Violations -- Final Report. By J. F. Bates, Jr. Springfield, Virginia, National Technical Information Service, 1974. 259 p. Publication No. DOT-HS-801 230. MICROFICHE (NCJ 15558)

Recommended actions for diminishing factors influencing poor enforcement include development of precise enforcement policies and procedures, staff training, legislative revisions, and effective court action. Data was obtained from a survey of 11 law enforcement agencies throughout the Nation. Data included factual descriptions of recent alcohol investigations, attitudinal measurements, and information from 207 police patrolmen and 85 police supervisors. Additional data were obtained through interview of prosecuting attorneys, judges, and other civil officals. Some factors influencing arrest rates were found to be the officer's age and experience, personal use of alcohol, level of knowledge and training, specialization in duty assignment, and perception of the importance of alcohol-related violations. Other factors were the officer's attitude toward suspects, perceptions of the penalties, suspect's degree of intoxication, weather conditions, suspect's attitude, accident involvement, court disposition of alcohol-related cases, and departmental policy of enforcement and processing procedures.

136. VIANO, EMILIA C. and J. SUSMAN. Self-Image, Occupational Image, Role Relationships Among Recruits and Experienced Police. In Viano, Emilio C. and Jeffery H. Reiman, Eds., Police in Society. Lexington, Massachusetts, Heath Lexington Books, 1975. 37 p. (NCJ 29469)

Discretion must be acknowledged to be a necessary and proper function of police work so that officers may be effectively trained and supervised in this exercise. A study was conducted of recruits and experienced officers in an unnamed metropolitan police force. Respondents were asked questions concerning the role of discretion and autonomy in their own values and in their jobs. It was expected that experienced officers would have better reconciled the role of discretion with the authoritarian nature of police work. This was not found to be true. Both groups manifest a desire for autonomy which they do not find present in police work. It is suggested that this conflict results in role strain and confusion.

137. WALLACH, I. A. Police Function in a Negro Community, Vol. 2. Springfield, Virginia, National Technical Information Service, 1970. 195 p. Stock Order No. PB 196 763 (NCJ 01968)

This paper describes an empirical study of the police function and its implementation in the urban Negro community. The racially mixed Western Police District of the City of Baltimore is described as it appears to the police. Police roles, functions, activities, and behavior patterns are described as they are manifested in the community. Important questions concerning the assumptions underlying existing beliefs and practices in police departments, Negro communities, and governmental and private funding agencies currently investing large sums of money in the war against crime are raised. Areas which warrant review in the light of the research results presented are the rule and function of the police in the community, the functional allocation of police resources, the effectiveness of uniformed police in preventing crime, police training and police-community relations programs, the police practice of screening citizen requests for police services which exists in some communities, the relationship between police attitudes and police behavior, and the effectiveness of a police controlled civilian complaint process in modifying police behavior.

138. WILBANKS, W. L. Insertion/Diversion Decision at the Juvenile Police Level. Doctoral Dissertation, State University of New York, 1975. 244 p. MICROFICHE (NCJ 32306)

The study was of disparity across cities in the decision by police officers in juvenile units as to whether juveniles contacted by the police would be inserted into or diverted from the juvenile court. Decision data were gathered from 14 cities involving a total of 111 decisionmakers. The methodology employed involved the presentation to subjects of a standard set of simulated cases to determine the type of decisions that were made by the subjects. The analysis involved attempts to discover the determinants of the types of decisions, both across all subjects and among departments. Analysis indicated that dispositions varied markedly by department and that 40 percent of the variance in insertion decisions across subjects and 50 percent of the variance in referral decisions across subjects could be accounted for by departmental identification. However, the disparity in decisions among departments could not be accounted for by differing perceptions of subjects regarding departmental policy. The data also failed to indicate that the disparity in decisions within departments could be reduced by the degree of policy perceived or by the extent of agreement on policy by subjects within departments. Finally, the data indicate that the personal beliefs of officers who perceived little departmental policy were not more predictive of case decisions than personal beliefs of officers perceiving relatively more policy or structure.

APPENDIX A—PUBLISHED STANDARDS

National Advisory Commission on Criminal Justice Standards and Goals*

Standard 1.3 Police Discretion

Every police agency should acknowledge the existence of the broad range of administrative and operational discretion that is exercised by all police agencies and individual officers. That acknowledgment should take the form of comprehensive policy statements that publicly establish the limits of discretion, that provide guidelines for its exercise within those limits, and that eliminate discriminatory enforcement of the law.

1. Every policy chief executive should have the authority to establish his agency's fundamental objectives and priorities and to implement them through discretionary allocation and control of agency resources. In the exercise of his authority, every chief executive:

a. Should seek legislation that grants him the authority to exercise his discretion in allocating police resources and in establishing his agency's fundamental objectives and priorities;

b. Should review all existing criminal statutes, determine the ability of the agency to enforce these statutes effectively, and advise the legislature of the statutes' practicality from an enforcement standpoint; and

c. Should advise the legislature of the practicality of each proposed criminal statute from an enforcement standpoint, and the impact of such proposed statutes on the ability of the agency to maintain the existing level of police services.

2. Every police chief executive should establish policy that guides the exercise of discretion by police personnel in using arrest alternatives. This policy:

a. Should establish the limits of discretion by specifically identifying, insofar as possible, situations calling for the use of alternatives to continued physical custody;

b. Should establish criteria for the selection of appropriate enforcement alternatives;

c. Should require enforcement action to be taken in all situations where all elements of a crime are present and all policy criteria are satisfied;

d. Should be jurisdictionwide in both scope and application; and

e. Specifically should exclude offender lack of cooperation, or disrespect toward police personnel, as a factor in arrest determination unless such conduct constitutes a separate crime.

3. Every police chief executive should establish policy that limits the exercise of discretion by police personnel in conducting investigations, and that provides guidelines for the exercise of discretion within those limits. This policy:

a. Should be based on codified laws, judicial decisions, public policy, and police experience in investigating criminal conduct;

b. Should identify situations where there can be no investigative discretion; and

c. Should establish guidelines for situations requiring the exercise of investigative discretion.

4. Every policy chief executive should establish policy that governs the exercise of discretion by police personnel in providing routine peacekeeping and other police services that, because of their frequent recurrence, lend themselves to the development of a uniform agency response.

5. Every police chief executive should formalize procedures for developing and implementing the foregoing written agency policy.

6. Every police chief executive immediately should adopt inspection and control procedures to insure that officers exercise their discretion in a manner consistent with agency policy.

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* For complete bibliographic citation, see entry No. 36.

American Bar Association Project on Standards for Criminal Justice Standards Relating to The Urban Police Function*

Part IV. Law Enforcement Policymaking

4.1 Exercise of discretion by police.

The nature of the responsibilities currently placed upon the police requires that the police exercise a great deal of discretion—a situation that has long existed, but is not always recognized.

4.2 Need for structure and control.

Since individual police officers may make important decisions affecting police operations without direction, with limited accountability, and without any uniformity within a department, police discretion should be structured and controlled.

4.3 Administrative rule-making.

Police discretion can best be structured and controlled through the process of administrative rule-making by police agencies. Police administrators should, therefore, give the highest priority to the formulation of administrative rules governing the exercise of discretion, particularly in the areas of selective enforcement, investigative techniques, and enforcement methods.

4.4 Contribution by legislatures and courts.

To stimulate the development of appropriate administrative guidance and control over police discretion, legislatures and courts should actively encourage police administrative rule-making.

(a) Legislatures can meet this need by delegating administrative rule-making responsibility to the police by statute.

(b) Courts can stimulate administrative development in several ways including the following:

(i) Properly-developed and published police administrative policies should be sustained unless demonstrated to be unconstitutional, arbitrary, or otherwise outside the authority of the police;

(ii) To stimulate timely and adequate administrative policy-making, a determination by a court of a violation of an administrative policy should not be a basis for excluding evidence in a criminal case unless the violation of administrative policy is of constitutional dimensions or is otherwise so serious as to call for the exercise of the superintending authority of the court. A violation per se should not result in civil liability; and

(iii) Where it appears to the court that an individual officer has acted in violation of administrative policy or that an administrative policy is unconstitutional, arbitrary, or otherwise outside the authority of the police, the court should arrange for the police administrator to be informed of this fact, in order to facilitate fulfillment by the police administrator of his responsibility in such circumstances to reexamine the relevant policy or policies and to review methods of training, communication of policy, and supervision and control.

4.5 Method of policy-making.

In its development of procedures to openly formulate, implement, and reevaluate police policy as necessary, each jurisdiction should be conscious of the need to effectively consult a representative cross-section of citizens in this process.

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APPENDIX B—LIST OF SOURCES

All references are to bibliography entry numbers, not pages.

1. Goodyear Publishing Company
   15115 Sunset Boulevard
   Pacific Palisades, CA 90272

2. D.C. Heath and Company
   125 Spring Street
   Lexington, MA 02173

3. Santa Clara County Juvenile
   Probation Department
   840 Guadalupe Parkway
   San Jose, CA 95110

4. Fred B. Rothman
   57 Leoning Street
   South Hackensack, NJ 07606

5. Routledge and Kegan Paul Ltd.
   Broadway House
   68-74 Carter Lane
   London, England

6. Prentice-Hall
   Englewood Cliffs, NJ 07632

7. Wadsworth Publishing Company, Inc.
   Belmont, CA 94002

8. Sage Publications, Inc.
   275 South Beverly Drive
   Beverly Hills, CA 90212

9. Quadrangle Books
   12 East Delaware Place
   Chicago, IL 60611

10. Louisiana State University Press
    Baton Rouge, LA 70803

11. West Publishing Company
    P.O. Box 3526
    St. Paul, MN 55165

12. Tulane Law Review
    Tulane Law Review Association
    Tulane University
    New Orleans, LA 70118

13. John Wiley and Sons
    605 Third Avenue
    New York, NY 10016

14. Palisades Publishers
    P.O. Box 744
    Pacific Palisades, CA 90272

15. Vanderbilt Law Review
    Vanderbilt University
    School of Law
    Nashville, TN 37240

16. International Association of Chiefs
    of Police
    11 Firstfield Road
    Gaithersburg, MD 20760

17. Same as No. 16.

18. American Criminal Law Review
    American Bar Association
    1155 East 60th Street
    Chicago, IL 60637

19. Michigan Office of Criminal Justice
    Programs
    Lewis Cass Building, 2nd Floor
    Lansing, MI 48913

20. Same as No. 11.

21. Public Administration Review
American Society for Public Administration
1225 Connecticut Avenue, NW
Washington, DC 20036

22. Rinehart Press
5643 Paradise Drive
Corte Madera, CA 94925

23. Glencoe Press
8701 Wilshire Boulevard
Beverly Hills, CA 90211

24. Charles C. Thomas
301-327 East Lawrence Avenue
Springfield, IL 62717

25. New York University Press
Washington Square
New York, NY 10003

26. Praeger Publishers
111 Fourth Avenue
New York, NY 10003

27. Police Law Quarterly
IIT Research Institute
10 West 35th Street
Chicago, IL 60616

28. Same as No. 16.

29. Little Brown
34 Beacon Street
Boston, MA 02106

30. Available only from
NCJRS Microfiche Program
and NCJRS Document Loan Program.

31. United Nations Asia and Far East Institute for the Prevention of Crime and Treatment of Offenders
26-1 Harumi-Cho, Fuchu
Tokyo, Japan

32. Superintendent of Documents
U.S. Government Printing Office
Washington, DC 204

33. Human Ecology Institute
7416 Chapel Hill Road
Raleigh, NC 27607

34. Office of Youth Development
U.S. Department of Health, Education, and Welfare
Washington, DC 20201

35. Available only through
NCJRS Document Loan Program.

36. Same as No. 32

37. Ballinger Publishing Company
17 Dunston Street
Harvard Square
Cambridge, MA 02138

38. Dallas Police Department
4125 West Clarendon Drive
Dallas, TX 75211

39. Same as No. 32.

40. Institute for Advanced Studies in Justice
American University Law School
4900 Massachusetts Avenue, N.W.
Washington, DC 20036

41. Same as No. 35.

42. Iowa Law Review
University of Iowa
College of Law
Iowa City, IA 52240

43. Duke Law Journal
Duke University
Law School
Durham, NC 27706

44. Oceana Publications, Inc.
Dobbs Ferry, NY 10522

45. MIT Press
28 Carleton Street
Cambridge, MA 02142

46. Butterworth
88 Kings Way
London, England

47. Atheneum
122 East 42nd Street
New York, NY 10017

48. University of Pennsylvania Law Review
University of Pennsylvania
Law School
3400 Chestnut Street
Philadelphia, PA 19174

49. Oklahoma Law Review
University of Oklahoma Press
Norman, OK 73069

50. Texas Law Review
University of Texas
School of Law
Austin, TX 78705

51. Police Research Bulletin
Great Britain Home Office
Horseferry House
Dean Ryle Street
London, England

52. Foundation Press
170 Old Country Road
Mineola, NY 11501

53. Stanford University Press
Stanford, CA 94305

54. Harvard Law Review Association
Gannett House
Cambridge, MA 02138

55. Same as No. 16.

56. Michigan Law Review
Michigan Law Review Association
Hutchins Hall
Ann Arbor, MI 48109

57. Stanford Law Review
Stanford University
Cumberland School of Law
Stanford, CA 94305

58. International Journal of Criminology and Penology
Academic Press Ltd.
24-28 Oval Road
London NW1, England

59. Same as No. 29.

60. Southern California Law Review
University of Southern California
Law Center
Los Angeles, CA 90007

61. Marquette University
Law School
1103 West Wisconsin Avenue
Milwaukee, WI 53233

62. Same as No. 16.

63. Same as No. 7.

64. Dushkin Publishing Group, Inc.
Sluice Dock
Guilford, CT 06437

65. Wisconsin Law Review
University of Wisconsin
Law School
Madison, WI 53706

66. Same as No. 2.

67. Washington University
St. Louis, MO 63130

68. Same as No. 2.

69. Same as No. 14.

70. Same as No. 29.

71. Kansas City Police Department
805 North Sixth Street
Kansas City, MO 67068

72. Same as No. 16.

73. MacMillan Company of Canada, Ltd.
70 Bond Street
Toronto M5B IX3, Canada

74. Same as No. 16.

75. Multnomah County Division of Public Safety
222 Southwest Pine Street
Portland, OR 97204

76. Same as No. 16.

77. Same as No. 8.

78. Journal of Criminal Justice
Pergamon Press, Inc.
Maxwell House
Fairview Park
Elmsford, NY 10523

79. Same as No. 24.

80. Basil Blackwell
5 Alfred Street
Oxford, England

81. Same as No. 32.

82. Public Safety Systems, Inc.
P.O. Box 10410
Santa Barbara, CA 93105

83. Same as No. 41.

84. Same as No. 16.

85. Same as No. 16. 86. Same as No. 16.

87. Same as No. 16.

88. University of Wisconsin
Madison, Wisconsin 53706

89. Same as No. 88.

90. Same as No. 7.

91. Same as No. 29.

92. Crime and Delinquency
National Council on Crime and Delinquency
Continental Plaza
411 Hackensack Avenue
Hackensack, NJ 07601

93. Same as No. 29.

94. Same as No. 26.

95. Same as No. 26.

96. Wolfe Publishing Ltd.
10 Earlham Street
London WC 2H 9LP
England

97. Boston Police Department
154 Berkeley
Boston, MA 02116

98. Social Casework
Family Service Association of America
44 East 23rd Street
New York, NY 10010

99. Same as No. 58.

100. Denver Law Journal
University of Denver
2115 South University Boulevard
Denver, CO 80210

101. Same as No. 16.

102. Juvenile Justice
National Council of Juvenile Court Judges
Box 8000
University Station
Reno, NV 89507

103. Criminal Justice and Behavior
Sage Publications, Inc.
275 South Beverly Drive
Beverly Hills, CA 90212

104. Criminal Law Review
Sweet and Maxwell
11 New Fetter Lane
London, England

105. Reston Publishing Company, Inc.
Box 547
Reston, Va 22090

106. Same as No. 26.

107. Same as No. 78.

108. Same as No. 14.

109. Same as No. 7.

110. Same as No. 24.

111. University Microfilms
300 North Zeeb Road
Ann Arbor, MI 48106

112. Same as No. 92.

113. Social Problems
Society for the Study of Social Problems
Box 533
Notre Dame, IN 46556

114. Same as No. 29.

115. Same as No. 28.

116. Washington University Law Quarterly
Washington University
School of Law
St. Louis, MO 63130

117. Same as No. 111.

118. Same as No. 111.

119. Same as No. 14.

120. Same as No. 111.

121. Yale University Press
92A Yale Station
New Haven, CT 06520

122. Farrar, Straus and Giroux
19 Union Square, West
New York, NY 10003

123. British Journal of Psychiatry
Royal College of Psychiatrists
Chandos House
2 Queen Anne Street
London WI England

124. Same as No. 7.

125. Same as No. 96.

126. U.S. Department of Health, Education and Welfare
330 Independence Avenue, S.W.
Washington, DC 20201

127. National Institute of Mental Health
5600 Fishers Lane
Rockville, MD 20852

128. University of California,
Los Angeles
Institute of Government and
Public Affairs
Los Angeles, CA 90024

129. University of California
Berkeley, CA 94720

130. Same as No. 18.

131. University of Southern
California
Law Center
Los Angeles, CA 90007

132. Boston University
755 Commonwealth Avenue
Boston, MA 02215

133. Same as No. 35.

134. National Technical Information
Service
5285 Port Royal Road
Springfield, VA 22151

135. Same as No. 134.

136. Same as No. 2.

137. Same as No. 134.

138. Same as No. 111.

139. Same as No. 71.

APPENDIX C—RESOURCE LIST

This list identifies some of the agencies and organizations that are performing research or funding projects in the general area of police discretionary activities.

American Bar Association
1155 East 60th Street
Chicago, IL 60637

American Enterprise Institute for
Public Police Research
1200 Seventeenth Street, N.W.
Washington, DC 20036

American University Law School
Institute for Advanced Studies
in Justice
4900 Massachusetts Avenue, N.W.
Washington, DC 20016

Arizona State University
College of Law
Tempe, AZ 85281

Battelle Law and Justice Study Center
Batelle Memorial Institute
4000 N.E. Forty-first Street
Seattle, WA 98105

Boston University
755 Commonwealth Avenue
Boston, MA 02215

Ford Foundation
320 East Forty-third Street
New York, NY 10017

Institute for Law and Social Research
1125 Fifteenth Street, N.W.
Washington, DC 20036

International Association of
Chiefs of Police
11 Firstfield Road
Gaithersburg, MD 20760

National Highway Traffic
Safety Administration
U.S. Department of Transportation
400 Seventh Street, S.W.
Washington, DC 20590

National Institute of Mental Health
5600 Fishers Lane
Rockville, MD 20852

Police Foundation
1909 K Street N.W.
Washington, DC 20006

Additional sources may be identified by referring to the Directory of Criminal Justice Information Sources (NCJ 37959), available from NCJRS through the Document Loan Program. This directory contains descriptions of 155 local, national, and international organizations.

*U.S. GOVERNMENT PRINTING OFFICE : 1978 O-260-992/2150